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Nevv-Haven's
Settling in
NEW-ENGLAND.
AND SOME
LAWES
FOR
GOYERNMENT:
Published for the Use of that Colony.

Though some of the Orders intended for
present convenience, may probably
be hereafter altered, and as
need requireth other
Lawes added.

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NEW-HAVEN'S

Settling in

New-England.

And some Lawes for Government, &c.

IT hath pleased the onely wise, and All-sufficient God, who Ruleth all the world, determines times, and sets the bounds of all mens habitations, but is the Rich, and pretious portion of them that fear and trust in him, at sundry times, and upon weighty occasions, to bring severall Companies of his people, over the great Deeps, into this part of *America*, called *New-England*, a place far remote from their dear Native Countrey, and hath here planted, protected, and graciously provided for them.

The first Adventurers (before they had conveniency for travell, and opportunity to consider, and compare one place with another) sate downe at *Plymouth*, and have had much experience of Gods goodnesse and compassion in a Wildernes, now betwixt thirty, and forty years.

In some years after, the Lord bringing over more of his people, they planted in, and about the *Massachusetts* Bay, and grew a large Colony, and after them the English in *Connecticut*, and *New-Haven*, for the conveniency of the Sea, and Rivers, planted more Westerly. And for a while continued, though united in Nation, Religion, and affection, yet otherwise severall and distinct Jurisdictions, free from

any expresse Ingagement one to another. In this time the Enemy slept not, but was at work, to disturb the peace of the *English*, both in sowing Tares within, among themselves, and stirring up the *Indians* from abroad against them; but he that is wonderfull in Counsell, and excellent in working, overpowred Satan, and his Instruments, and gave good issues to his people, in those their uncomfortable exercises.

A while after, upon the motion of the *Massachusetts* Colony, a Treaty was begun, and in processe of time comfortably finished; solemne Covenants were agreed, and concluded betwixt the said Jurisdictions, in the following words.

ARTICLES O F

Confederation betwixt the Plantations under the Government of the *Massachusetts*, the Plantations under the Government of *Plymouth*, the Plantations under the Government of *Connectecut*, and the Government of *New Haven*, with the Plantations in Combination therewith.

Whereas we all came into these parts of *America*, with one and the same end and ayme, namely, to advance the Kingdome of our Lord Jesus Christ, and to enjoy the liberties of the Gospel, in purity with peace; and whereas in our settling (by a wise providence of God) we are further dispersed upon the Sea-Coasts, and Rivers, then was at first intended, so that we cannot (according to our desire) with convenience communicate in one Government, and Jurisdiction; and whereas we live encompassed with people of severall Nations, and strange languages, which hereafter may prove injurious to us, and our posterity: And forasmuch as the Natives have formerly committed sundry insolencies and outrages upon severall Plantations.

ons of the English, and have of late combined themselves against us. And seeing by reason of the sad distractions in *England*, which they have heard of, and by which they know we are hindred both from that humble way of seeking advice, and reaping those comfortable fruits of protection which, at other times, we might well expect; we therefore doe conceive it our bounden duty, without delay, to enter into a present Consotiation amongst our selves, for mutuall help and strength in all our future concernments, that, as in Nation, and Religion, so, in other respects, we be, and continue, One, according to the tenour and true meaning of the ensuing Articles.

Wherefore it is fully Agreed and Concluded by and between the parties, or Jurisd.ctions above named, and they doe joyntly and severally by these presents agree and conclude, That they all be, and henceforth be called by the name of, *The United Colonies of New-England.*

The said United Colonies for themselves, and their posterities doe joyntly and severally hereby enter into a firm and perpetuall league of friendship and amity, for offence and defence, mutuall advice and succour, upon all just occasions, both for preserving and propagating the truth, and liberties of the Gospel, and for their own mutuall safety, and well-fare.

It is further agreed, That the Plantations which at present are, or hereafter shall be settled within the limits of the *Massachusetts*, shall be for ever under the Government of the *Massachusetts*. And shall have peculiar Jurisdiction amongst themselves, as an intire body; and that *Plimouth*, *Connecticut*, and *New-Haven*, shall each of them, in all respects, have the like peculiar Jurisdiction, and Government within their limits. And in reference to the Plantations which already are settled, or shall hereafter be erected and shall settle within any of their limits respectively, provided that no other Jurisdiction shall hereafter be taken in, as a distinct head, or Member of this Confederation, nor shall any other either Plantation, or Jurisdiction in present being, and not already in combination, or under the Jurisdiction of any

I

II.

III

any of these Confederates, be received by any of them, nor shall any two of these Confederates, joyne in one Jurisdiction, without consent of the rest, which consent to be Interpreted, as in the sixt ensuing Article is expressed.

I V.

It is also by these Confederates agreed, That the charge of all just Wars, whether offensive, or defensive, upon what part or Member of this Confederation soever they fall, shall both in men, provisions, and all other disbursements, be born by all the parts of this Confederation, in different proportions, according to their different abilities, in manner following, namely, That the Commissioners for each Jurisdiction, from time to time, as there shall be occasion, bring a true account and number of all the Males in each Plantation, or any way belonging to, or under their severall Jurisdictions, of what quality, or condition soever they be, from sixteen years old, to threescore, being inhabitants there. And that according to the different numbers, which from time to time shall be found in each Jurisdiction, upon a true, and just account, the service of men, and all charges of the war, be born by the poll : Each Jurisdiction, or Plantation, being left to their own just course, and custome, of rating themselves, and people, according to their different estates, with due respect to their qualities and exemptions among themselves, though the Confederation take no notice of any such privilege. And that, according to the different charge of each Jurisdiction, and Plantation, the whole advantage of the War (if it please God so to blesse their endeavours) whether it be in Lands, Goods, or persons, shall be proportionably divided among the said Confederates.

V

It is further agreed, That if any of these Jurisdictions, or any Plantation under, or in Combination with them, be invaded by any enemy whomsoever, upon notice, and request of any three Magistrates of that Jurisdiction so invaded. The rest of the Confederates, without any further meeting or expostulation, shall forthwith send ayde to the Confederate in danger, but in different proportion, namely the *Massachusetts* one hundred men sufficiently armed, and provided for such

such a service, and journey. And each of the rest five and forty men, so armed and provided, or any lesse number, if lesse be required, according to this proportion. But if such a Confederate may be supplyed by their next Confederate, not exceeding the number hereby agreed, they may crave help there, and seek no further for the present. The charge to be born, as in this Article is expressed. And at their return to be victualled, and supplied with powder and shot (if there be need) for their journey by that Jurisdiction which unployed, or sent for them. But none of the Jurisdictions to exceed these numbers, till by a meeting of the Commissioners for this Confederation, a greater ayde appear necessary. And this proportion to continue, till upon knowledge of the numbers in each Jurisdiction, which shall be brought to the next meeting, some other proportion be ordered. But in any such case of sending men for present ayde, whether before or after such order or alteration, it is agreed, That at the meeting of the Commissioners for this Confederation, the cause of such war or invasion, be duly considered, and if it appear, that the fault lay in the party so invaded, that then, that Jurisdiction, or Plantation, make just satisfaction, both to the invaders, whom they have injured, and bear all the charges of the war themselves, without requiring any allowance from the rest of the Confederates toward the same.

And further, if any Jurisdiction see any danger of an invasion approaching, and there be time for a meeting, That in such case, three Magistrates of that Jurisdiction may summon a meeting, at such convenient place, as themselves shall think meet, to consider, and provide against the threatened danger. Provided, when they are met, they may remove to what place they please, onely while any of these four Confederates, have but three Magistrates in their Jurisdiction, a request or summons, from any two of them, shall be accounted of equall force, with the three mentioned in both the clauses of this Article, till there be an increase of Magistrates there.

It is also agreed, That for the managing and concluding

V I.

of

of all affaires proper to, and concerning the whole Confederation, two Commissioners shall be chosen by, and out of the four Jurisdictions, namely two for the *Massachusetts*, two for *Plimouth*, two for *Connecticut*, and two for *New-haven*, being all in Church-fellowship with us, which shall bring full power from their severall generall Courts respectively, to hear, examine, weigh, and determine all affaires of war, or peace, leagues, aydes, charges, and numbers of men for war, division of spoyles, or whatsoever is gotten by conquest, receiving of more confederates, or Plantations into Combination with any of these Confederates, and all things of like nature, which are the proper concomitants, or consequences of such a Confederation, for amity, offence, and defence, not intermeddling with the Government of any of the Jurisdictions, which by the third Article, is preserved intirely to themselves. But if these eight Commissioners when they meet, shall not all agree, yet it is concluded, That any six of the eight agreeing, shall have power to settle, and determine the busynesse in question. But if six doe not agree, that then such Propositions, with their Reasons, so far as they have been debated, be sent, and referred to the four Generall Courts, viz. The *Massachusetts*, *Plymouth*, *Connecticut*, and *New-haven*. And if at all the said Generall Courts, the busynesse so referred, be concluded, then to be prosecuted by the Confederates, and all their Members. It is further agreed, That these eight Commissioners shall meet once every year, besides extraordinary meetings, according to the fifth Article to consider, treat, and conclude of all affaires belonging to this Confederation, which meeting shall ever be the first *Thursday* in *September*. And that the next meeting after the date of these presents, which shall be accounted the second meeting, shall be at *Boston* in the *Massachusetts*, the third at *Hartford*, the fourth at *New-haven*, the fifth at *Plimouth*, the sixth and seventh at *Boston*; and then *Hartford*, *New-haven*, and *Plymouth*, and so in course successively. If in the mean time, some middle place be not found out, and agreed on, which may be comodious for all the Jurisdictions.

It is further agreed, That at each meeting of these eight Commissioners, whether ordinary or extraordinary ; they all, or any six of them agreeing as before, may choose their President out of themselves, whose Office and work shall be, to take care, and direct for Order, and a comely carrying on of all proceedings in the present meeting. But he shall be invested with no such power or respect, as by which, he shall hinder the propounding or progresse of any businesse, or any way cast the scales, otherwise then in the precedent Article is agreed.

VII.

It is also agreed, That the Commissioners for this Confederation hereafter at their meetings, whether ordinary or extraordinary, as they may have Commission or opportunity, doe endeavour to frame and establish Agreements and Orders in generall cases of a civil nature, wherein all the Plantations are interested, for preserving peace amongst themselves, and preventing (as much as may be) all occasions of war, or differences with others, as about the free and speedy passage of Justice in each Jurisdiction, to all the Confederates equally, as to their own, receiving those that remove from one Plantation to another, without due Certificates, how all the Jurisdictions may carry it towards the *Indians*, that they neither grow insolent, nor be injured without due satisfaction, least War break in upon the Confederates, through such miscarriages. It is also agreed, That if any Servant run away from his Master, into any other of these Confederated Jurisdictions, That in such case, upon the Certificate of one Magistrate in the Jurisdiction, out of which the said Servant fled, or upon other due proof, the said Servant shall be delivered either to his Master, or any other that pursues, and brings such Certificate, or proof. And that upon the escape of any Prisoner whatsoever, or fugitive, for any Crimall Cause, whether breaking Prison, or getting from the Officer, or otherwise escaping, upon the Certificate of two Magistrates of the Jurisdiction out of which the escape is made, that he was a prisoner or such an offendour, at the time of the escape. The Magistrates, or some of them, of that Jurisdiction where for the

VIII.

present the said prisoner or fugitive abideth, shall forthwith grant such a Warrant, as the case will bear, for the apprehending of any such person, and the delivery of him into the hand of the Officer, or other person who pursueth him. And if help be required for the safe returning of any such offender, it shall be granted unto him that craves the same, he paying the charges thereof.

I X.

And for that the justest Wars may be of dangerous consequence, especially to the smaller Plantations in these *United Colonies*, it is agreed, That neither the *Massachusetts*, *Plymouth*, *Connecticut*, nor *New-Haven*, nor any of the Members of any of them, shall at any time hereafter begin undertake or engage themselves, or this Confederation, or any part thereof in any War whatsoever (sudden exigents with the necessary consequences thereof excepted, which are also to be moderated, as much as the case will permit) without the consent and agreement of the forenamed eight Commissioners, or at least six of them, as in the sixth Article is provided. And that no charge be required of any of the Confederates in case of a defensive War, till the said Commissioners have met, and approved the Justice of the War, and have agreed upon the sum of money to be levied ; which sum is then to be paid by the severall Confederates, in proportion, according to the fourth Article.

X.

That in extraordinary occasions, when meetings are summoned by three Magistrates of any Jurisdiction, or two as in the fifth Article, if any of the Commissioners come not, due warning being given, or sent, it is agreed, That four of the Commissioners shall have power to direct a War which cannot be delayed, and to send for due proportions of men, out of each Jurisdiction, as well as six might doe, if all met, but not lesse then six shall determine the justice of the War, or allow the demands, or Bills of charges, or cause any levies to be made for the same.

X I.

It is further agreed, That if any of the Confederates shall hereafter break any of these present Articles, or be any other way injurious to any one of the other Jurisdictions, such breach of Agreement, or injury shall be duly considered, and ordered by

by the Commissioners for the other Jurisdictions, that both peace, and this present Confederation, may be intirely preserved without violation.

Lastly, this perpetuall Confederation, and the severall Articles and Agreements thereof, being read and seriously considered, both by the Generall Court for the *Massachusetts*, and by the Commissioners for *Plymouth*, *Connecticut*, and *New-Haven*, were presently and fully allowed and confirmed by three of the fore-named Confederates, namely the *Massachusetts*, *Connecticut*, and *New-Haven*; in testimony whereof, the Generall Court of the *Massachusetts* by their Secretary, and the Commissioners for *Connecticut* and *New-Haven*, subscribed them the 19 day of the third month, commonly called *May*, *Anno Domini. 1643.*

Only the Commissioners from *Plymouth*, having brought no Commission to conclude, desired respite to advise with their Generall Court, which was granted, and at the second meeting of the Commissioners for the Confederation, held at *Boston* in *September* following, the Commissioners for the Jurisdiction of *Plymouth*, delivered in an Order of their Generall Court, dated the 29 of *August, 1643.* by which it appeared that these Articles of Confederation were read, approved and confirmed by the said Court, and all their Townships, and their Commissioners authorized to ratifie them by their subscriptions, which they accordingly did, the 7 day of *September, 1643.*

When the Plantations within this Colony first treated to be one Jurisdiction, and to settle themselves under one Government, these following particulars were solemnly and unanimously approved and concluded as a fundamental Agreement, upon which the Combination was framed. New Haven. 1

THAT none shall be admitted Free-men, or free Burgesses within this Jurisdiction, or any part of it, but such Planters as are Members of some one, or other of the approved Churches of *New-England*; nor shall any but such be chosen to Magistracy, or to carry on any part of Civil Judicature, or as Deputies or Assitents to have power, or Vote in

Deut. 1. 13.
Exod 18. 21.
Deut. 17. 15.
Jer. 30. 21.

establishing Lawes, or in making or repealing Orders, or to any chief Military Office, or trust, nor shall any others, but such Church Members, have any Vote in any such Elections. Though all others admitted to be Planters, have right to their proper Inheritances, and doe and shall enjoy all other Civil liberties and priviledges, according to all Lawes, Orders, or grants, which are, or hereafter shall be made for this Colony.

That all such Freemen of this Jurisdiction, shall yearly without any summons, upon the Election day, which is to be the last fourth day in the week, commonly called *Wednesday*, in *May* (till by the Generall Court some other time be ordered and published) either in person, or by proxy, attend that service: And according to their best light from the word of God, shall Vote in the Election of *Governour*, *Deputy Governour*, *Magistrates*, *Commissioners for the United Colonies*, *Treasurer*, *Secretary*, *Marshall*, or any other Officer, then chosen for the Jurisdiction. And for the ease of the said Freemen (especially such as dwell remote) it is agreed, That when any of them cannot conveniently come, they may send their Votes, either written, or in some other way sealed up in the presence of the rest of the Freemen in the Plantation where they dwell, or the greater part of them. And further, if any of them purposing to be present at the Election, when the other Votes were sealed up, should after be hindered, and then want opportunity to seal up his Vote, in the presence of the major part of the Freemen; in such case he may seal it up in the presence of two such Freemen as knew he sent no Vote before, and (upon their testimony or Certificate) it shall be accepted, that so the liberty of the Freemen may be preserved, they may have means to attend their duty, and their Votes may be directed according to their particular light. And the said Freemen may at the Election Court yearly, choose so many *Magistrates* for the Jurisdiction in each Plantation, as the weight of affaires shall require; and as they shall there find Freemen fit for such a trust; provided that when any man of what Plantation soever, shall be first propounded for *Magistracy* within this Jurisdiction, reasonable

sonable notice shalbe first given to all the Plantations, of such a purpose, or desire, that all the Freemen may duly consider or informe themselves, and that such as cannot be present, but send their Votes, may proceed accordingly, and that each Freeman whether present or absent, at the Election, may the better improve his Liberty, It is Ordered, that he may give or send his Vote, as he finds cause, either in the affirmative, by putting in an Indian Corne, or in the Negative, by putting in a Beane, or in such other manner, as the Generall Court shall judge more convenient.

That the affaires of this Jurisdiction, may be the better carried on, and that the inhabitants may know whom to obey, and from whom to seek redresse of injurie, it is agreed, that there be severall Courts for severall purposes, and of different constitutions and power.

Ex. 18. 21. 22.
Deut. 1. 16. 17.
Deut. 16. 18.

First a General Court, which shall consist of the Governor, Deputy Gover: all the Magistrates, and of two Deputies for each plantation in the Jurisdiction (where there is a Church duly gathered, and Freemen orderly admitted) which Deputies shall be chosen either yearly, or against the approach of any such Generall Court, by the Freemen of each plantation, or the greater number of them, and shall be sent at each Generall Court with full power (as having the power and Voyces of all the said Freemen derived to them) to consult of, and determine, all such matters, as concerne the publick welfare of this Colony, and with due Certificate thereof, all which both Governor, Deputy Governor, Magistrates, and plantation Deputies shall have Vote in the said Court.

This Generall Court and all the members thereof, shall from time to time meeete, and sitt at *Newhaven* (unlesse uppon weighty cause, The Major part of the Court, see cause for a time to alter the place) at least once every yeare, namely the last fourth day in the weeke commonly called wednesday in *May*, first to carry on the Elections, And after to consider and order, all such other affaires of the Jurisdiction, as fall within their Cognizance, trust, and power, Beside which fixed Courts, the Governor, or in his absence, The Deputy Governor, and in their absence, any two Magistrats

of this Jurisdiction, shall have power to Summon a Generall Court, at any other time, as the urgent and extraordinary occasions of the Jurisdiction, or any part thereof, may require, And at all such Generall Courts, whether ordinary, or extraordinary, the Governor, Deputy Governor, Magistrates, with all the forementioned Deputies, shall sitt together till the affaires of the Jurisdiction be dispatched, or may (as they conceive) be safely respited ; And if any of the said Magistrats, or Deputies, shall either be absent at the first sitting of the said Court, or without leave depart, or disorderly absent him, or themselves from the service, before the Court be finished (though the absence of a lesse part, either of Magistrates, or Deputies, when the Court is either fixed, or with due notice, called extraordinarily, shall neither stop proceedings nor abate the force of what is ordered, by the Major part both of Magistrates, and Deputies, yet) he, or they, shall each of them pay twenty shillings for a fine to the Jurisdiction, for such absence, or departure; But if any Plantation, send no Deputy, or if the absence, or departure, be mingled with contempt, or willfull neglect, which may either hinder the publick service, or prove an ill example, the fine shall be increased, as the Court upon due consideration of the offence, with the agravations, shall judge meete, or if the absence &c. grow by any over ruling providence of God, The same is also duly to be considered by the Court, For sparing or mitigating the fine.

1. This Court thus framed, shall first with all care, and diligence from time to time provide for the maintenance of the purity of Religion, and supprese the contrary, according to their best Light, and directions from the word of God.

Psal. 2. 10. 11. 12.
1 Tim. 2. 2. 2.
2. Secondly, though they humbly acknowledge, that the Supreme power of making Lawes, and of repealing them, belongs to God onely, and that by him this power is given to Jesus Christ as Mediator Math. 28. 19 Job. 5. 22. And that the Lawes for holiness and Righteousnesse, are already made, and given us in the Scriptures, which in matters moral

ral, or of morall equity, may not be altered by humane power, or authority, *Moses* onely shewed *Israel* the Lawes, and Statutes of God, and the *Sanedrim* the highest Court, among the *Jewes*, must attend those Lawes. Yet Civill Rulers, and Courts, and this Generall Court in particular (being intrusted by the freemen as before) are the Ministers of God, for the good of the people ; And have power to declare, publish, and establish, for the plantations within their Jurisdictions, the Lawes he hath made, and to make, and repeale Orders for smaller matters, not particularly determined in Scripture, according to the more Generall Rules of Righteousnesse, and while they stand in force, to require due execution of them.

Deut. 5. 8.
Deut. 17. 11.

Rom. 13. 4.

Thirdly, to require an Oath from all the Magistrates, Deputies, or Assistents, &c. In every Court of Judicature, for the faithfull discharge of the trust committed to them, according to their best abilities. And to call them to account for the breach of any Lawes established, or for other misdemeours in their places, and to censure them as the quality of the offence may require ; and here the Vote to passe as in the Law of Appeals.

3.

Fourthly, To impose an Oath of Fidelity and due subjection to the just Lawes standing in force, upon all the Freemen, Planters, and Inhabitants fit to take an Oath, with due penalty for obstinate refusall, after some convenient time hath been given for due consideration.

4.

Eccles. 8. 2.
2 K. 11. 4. 17.
Ezra 7. 26.

Fifthly, To order and appoint such Works and Fortifications as they conceive may tend to the better defence of this Colony ; with Guns, Ammunition, and all other provisions and furniture suitable thereunto : And to provide that the same be kept and preserved in a condition fit for present service, whether against *Indians*, or other Enemies. And to order all affairs of war and peace, levying of men, &c. with due respect to the former Articles of Confederation.

5.

Sixthly, To order and regulate Trade, both with *Indians* and others, according to the Rules of Righteousness and prudence, for the publick good ; and to settle and levy Rates, Contributions and Impositions upon all sorts of persons,

6.

Ezek. 28. 18.

Rom. 13.

4, 6. 7.

Lands

Lands and Goods, within this Jurisdiction, as the publick service, and occasions of Church or Common-wealth may from time to time require.

7.
Exod. 18.
21.22.

Seventhly, To hear and determine all causes, whether Civil or Criminall, which by appeal or complaint shall be orderly brought unto them, either from any inferior Court, or from any of the Plantations.

2 Tim. 3. 16. In all which, with what ever else falls within their cognizance, trust or Judicature (as the highest Court within this Jurisdiction) they shall proceed according to Scripture light, and Lawes, and Orders, agreeing therewith. And nothing shall be concluded, and passe as an Act of the General Court (unlesse in cases expressly excepted) but by the consent and Vote of the major part of the Magistrates, together with the consent and Vote of the greater part of the Deputies.

Acts 19. 38.
39.

Secondly there shall be a Court, called the Court of Magistrates wherein all the Magistrates for the Jurisdiction, shall meeete and sitt at *New-haven*, at least twice a year; namely, the Second day of the weeke, Commonly called Munday, before the Court of Elections in the Third Month called *May*, and the third fourth day in the weeke commonly called Wednesday, in the eight month called *October*, to heare examine and determine, all wth eighty and Capitall causes Civil, and Criminall, above those limited to Plantation Courts, And to receive, and try all Appeals duely brought unto them, from plantation Courts, and to call all the Inhabitants, Freemen, planters, and others to account for breach of any Lawes, or Orders, Established, or for other misdemeanours, and to censure them, as the quality of the Offence shall require, in which meetings of the Magistrates, lesse then four Magistrates, shall not be accounted a Court, nor shall they carry on any busynesse as a Court of Magistrates. But it is expected, and required, that all, and every of the Magistrates for this Jurisdiction, doe constantly attend the Publick service; at every Court of Magistrates, whether fixed, or upon speciall occasion duely Summoned, either by the Governor, or in his absence, by the Deputy Governor, or in their absence, by any two Magistrates of this Jurisdiction,

risdiction, and if any of them (having had due warning) be absent at the first sitting of any such Court, or after without leave depart, or disorderly absent himselfe from the service, before the Court be finished, he, or they shall pay for every such default, twenty shilings fine to the Jurisdiction, or more as the case may require, unlesse some providence of God (whereof the Court of Magistrates shall from time to time judge) did necessarily cause the same, and all Sentences in this Court, shall passe by the Vote of the Major part of the Magistrates present, onely the Governor, and in his abseuce the Deputy Governor, when Votes in other respects are equall, shall in this Court, and when they or either of them, sitt in a Plantation Court, have a casting Voyce, but from this Court, appeals and complaints may be made, and brought to the Generall Court, the Plaintiff in point of security, first duely attending the Law of Appeals.

Thirdly beside the Generall Court, and Court of Magistrates, for the ease of the Inhabitants, there shall be Planation Courts, to heare and determine inferiour causes, which Courts may be of two sorts, namely in every Planattion within this Jurisdiction, where there is a Magistrate, one, or more, the Freemen from among themselves, shall choose at least two Deputies, but three or fower if they see cause, to assist the Magistrate, or Magistrates, and in such Courts they may try any Civill cause betwixt party, and party, in valew not exceeding twenty Pounds, and any Criminall cause, when the punishment by Scripture Light, exceeds not stocking, and whipping, and if the fine be pecuniary, when the fine exceeds not five pounds, and in all such Courts, the Sentence shall passe according to the Vote of the Major part of the Court, onely when Votes in their number are equall, the casting Voyce shall be in the Governor, or Deputy Governor, or Magistrates present. But to expedite justice with as little inconvenience as may be to Magistrates more remote, it is agreed, and Ordered, that any such Plantation Court, calling in two other Magistrats, from any other neighbouring Plantation, or Plantations, within this Jurisdiction, may try any civill cause, though of the highest Valew, and any Criminall cause, provided it be not Capitall, extending to the life of the offendour, but in such Plantations, if the Magistrate upon any occasion be absent, the Deputies alone have no such power of Judicature, onely to prevent in-

conveniences, they may order the Marshall to stay any Malefactor or suspicious person, or seize, or stop the estate of any man, or part of it, upon case shewn, when the case will not admit delay, till the Magistrate come home, provided that sufficient security be taken of him, or them, causing such stay or seizure, to pay just damages, if the proceedings prove unwarantable, and in case of remove, or death of such Magistrate, the Deputies fall in with other Plantations, where there is no Magistrate, till further Order be taken, and in such Plantations Deputies being Chosen, either by the Generall Court, or with their allowance, by the free-men from among themselves, they may keepe Courts to issue smaller causes, and to Order other affaires, in all respects, as the General Court shall from time to time appoint and limit, but from all these Courts, and in all tryals, and proceedings in them, Appeals and complaints may be brought to the Court of Magistrates, the Plaintiff putting in security, according to the Law of Appeals.

These Generalls were at first laid, as a foundation for Government, though it was foreseen, and agreed, that the Circumstancials therein, such as the Ordinary, and fixed times both for Elections, and for the meeting of the Generall Court, and Court of Magistrates, how oft, and when they shall sit, the fines for absence, or disorderly departing, and the Valew of causes to be tryed in Plantation Courts, with other particulars in their proceedings might after be further considered, continued or altered, as may best suite the course of justice, and the conveniency of the Plantations.

Certaine Lawes, Liberties, and Orders, made, granted, and established, at severall times, by the Generall Court of New-haven Colony, for and to the Inhabitants of that Jurisdiction, now Collected, and further Published, for the use of such as are concerned in them, wherein they have made use of the Lawes published by the Honourable Colony of the Massachusets.

IT is Ordered by this Court, and the Anthority thereof, that no mans life, shall be taken away, no mans honour, or good name, shall be stained, no mans person shall be imprisoned, banished, or otherwise punished, no man shall be deprived of his wife, or children, no mans goods, or estate shall be taken from him, under colour of Law, or Countenance of Authority, unlesse it be by vertue

tue, or equity of some expresse Law of this Jurisdiction, established by the Generall Court, and sufficiently published, or for want of a Law in any particular case, by the word of God, either in the Court of Magistrates, or some Plantation Court, according to the weight and valew of the cause, onely all Capitall causes, concerning life or banishment where there is no expresse Law, shall be judged according to the word and Law of God, by the Generall Court.

That no man shall be put to death, for any offence, or misdemeanour in any case, without the testimony of two witnesses at least, or that which is Equivalent thereunto, provided, and to prevent, or suppress the much inconvenience, which may grow, either to the publick, or to particular Persons, by a mistake herein, it is Ordered, and declared, by the Authority aforesaid, that two, or three single witnesses, being of competent age, of sound understanding, and of good Reputation, and witnessing to the case in question (whither it concerne the publick peace, and welfare, or any one, and the same particular person) shall be accounted (the party concerned, having no just exception against them) sufficient prooфе, though they did not together see, or heare, and so witnessse to the same individuall, and particular Act, in reference to those circumstances of time, and place.

A C T I O N S.

IT is Ordered by this Court and the Authority thereof, that every person impleading another, in the Court of Magistrates, or in any Plantation Court, when the debt or damage he demands, or the action he layeth, is above twenty pounds, so that it cannot be tryed by a Plantation Court, unless two Magistrates of some other Plantation, be called in to assist, he shall pay the sum of ten shillings, before his case be entred, or any part of it heard, unlesse the Court see cause to admit the Plaintiff to sue, *in forma pauperis*. But in all Actions, brought to any Court, the Plaintiff shall have Liberty to withdraw his action, or to be non suited, before Sentence passe, in which case, he shall alwayes pay full cost and charges to the defendant, and may after renew his Suite at another Court.

Age.

It is Ordered &c. that the age for passing away of Lands, or such kinds of Hereditaments, or ingagements of like nature, as for

giving of Votes, passing Sentences in publick meetings, Civil Courts, or Causes, shall be at least twenty and one years, but in cases admitting the choyce of Guardians, any age above fourteen may be sufficient.

Appeales.

Acts 25.9.
to 13.

Exo. 12.9.

It is Ordered, &c. That if any man cast, or sentenced in his Cause, be unsatisfied with the proceedings and issue, it shall be in his liberty (the cause not being criminall) to make his Appeal from any Plantation Court, to the Court of Magistrates; and in like case, from the Court of Magistrates, to the General Court. But in such case, when the Magistrates, or some of them, have already exprest themselves, to prevent difference and inconvenience, it is Ordered, That the major part of the General Court, consisting of Magistrates and Deputies, taken joyntly shall issue it. But to prevent, or provide against unnecessary trouble to Courts, charge to the Jurisdiction, and other inconveniencies which may follow, if the course of Justice be delayed, or evaded, it is further Ordered, That whosoever shall so Appeal, doe tender his Appeal, and put in sufficient security before the Judges of the Court, from which he Appeals, the Secretary or other person, or persons Authorized to admit Appeals, effectually by himself, his Deputy or Attorney to prosecute his Appeal, at the next usuall fixed time of that Courts sitting, to which the Appeal is made; and to observe, perform, and pay to the Defendant, as shall be there adjudged; but every such Appeal shall be entred, and security as before put in, within three dayes after sentence in the cause was given, and the same at the charge of the party appealing, to be recorded, and certified to the Court, unto which the Appeal is made. And lastly, it is Ordered, that if in the review it appear, the Plaintiff had no cause to Appeal, Petition, or complain, he shall pay such further charge, as the Court shall judge hath been expended in their sitting to re-examine his cause, that no unnecessary charge fall upon the Colony.

Appearance. Non-appearance.

It is Ordered, &c. That no man shall be punished for not appearing at or before any Civil Assembly, Court, Magistrate, or Officer, nor for omission of any Office or service, to be performed in his own person only, if he shall be necessarily hindred by any apparent providence of God, which he could neither foresee, nor

nor avoid, and by giving or sending notice, hath done what was in his power. Provided, That this Law shall not prejudice any person of his just cost and damage, in any civil action.

Arrests. see Imprisonment.

Attachments. See further in the Title Distresse.

It is Ordered, &c. That no Attachment shall be granted in any civil action to any Forraigner, against a setled Inhabitant of this Jurisdiction, before he hath given sufficient security, or caution, duly to prosecute his Action, and to answer the Defendant such costs and damages, as the Court shall award. And it is further Ordered, That in all Attachments of Goods and Chattels, of Lands or Hereditaments, whether by Forraigners, or setled Inhabitants, legall notice shall be given to the party concerned, or left in writing at his house, or place of usuall abode, before the suit proceed; but if he be out of the Jurisdiction, the cause shall proceed to tryall, but Judgement shall not be entred till another Court at least a month after. And if the Defendant doe not then appear, Judgement shall be entred, but execution shall not be granted before the Plaintiff hath given sufficient security to be responsible to the Defendant, if he shall reverse the Judgement within one year, or such further time as the Court shall see cause to Order.

BAKERS.

IT is Ordered, &c. That every person within this Jurisdiction, who shall bake Bread for sale, shall have a distinct mark for his Bread, and keep the true assizes hereafter expressed and appointed.

When Wheat is ordinarily sold by the bushell, at the severall Rates hereafter mentioned, the penny white loaf, penny wheaten loaf, and penny houshold loaf shall weigh severally and respectively by *aver dupoyse* weight as followeth.

s. d.	the	When the bushell of wheat is
at 3 0	penny white loaf	11 $\frac{1}{4}$ ounces, wheaten 17 $\frac{1}{4}$ ounces, houshold 23 ounces.
at 3 6	penny white loaf	10 $\frac{1}{4}$ ounces, wheaten 15 $\frac{1}{4}$ ounces, houshold 20 $\frac{1}{2}$ ounces.
at 4 0	penny white loaf	9 $\frac{1}{4}$ ounces, wheaten 14 ounces, houshold 18 $\frac{1}{2}$ ounces.
at 4 6	penny white loaf	8 $\frac{1}{4}$ ounces, wheaten 12 $\frac{3}{4}$ ounces, houshold 16 $\frac{1}{2}$ ounces.
at 5 0	penny white loaf	7 $\frac{1}{4}$ ounces, wheaten 11 $\frac{1}{2}$ ounces, houshold 15 $\frac{1}{2}$ ounces.
at 5 6	penny white loaf	7 ounces, wheaten 10 $\frac{1}{2}$ ounces, houshold 14 $\frac{1}{4}$ ounces.
at 6 0	penny white loaf	6 $\frac{1}{2}$ ounces, wheaten 10 ounces, houshold 13 ounces.
at 6 6	penny white loaf	6 ounces, wheaten 9 $\frac{1}{2}$ ounces, houshold 12 $\frac{1}{4}$ ounces.

And

And so proportionably under the penalty of forfeiting all such Bread, as shall not answer the forementioned severall Assizes. And for the better execution of this Order there shalbe in every Plantation, as occasion may require, an Officer yearly chosen, who shal be sworn at the next Plantation Court, or by the next Magistrate, or Officer for taking Oaths, unto the faithfull discharge of his Office, who is hereby authorized to enter into any house, either with the Constable, or Marshall, or without, where he understands that any Bread is baked for sale, and to weigh such Bread, as often as he seeth cause: and after once notice, or warning, to seize all such bread as he findeth defective in weight, or not marked according to this Order. And all such forfeitures shall be divided, one third part to the Officer for his care and paines, and the rest to the poore of the place.

Ballast.

It is Ordered, &c. That no Ballast shall be cast out of any Ship or other Vessel in the Channel, or other place inconvenient, in any Harbour within this Jurisdiction, under the penalty of ten pounds to be levied upon the Owners, Mariners, Seamen, or others offending, to the use of the said Plantation. The ship or vessel to be stayed till payment be made.

Barratry.

It is Ordered, &c. That if any person be proved, and judged a common Barrater, vexing others with unjust, frequent, and troublesome suites, it shall be in the power of any Court, both to reject his cause, and to punish him for his Barratry.

Bills and Specialties.

It is Ordered, &c. That any debt, or debts, due upon Bill, or other specialty, being duly assigned to another, shall be as good a debt, and estate to the Assignee, as it was, or could be, to the Assigner. And that it shall be lawfull for the said Assignee to sue for, and recover the said debt, due upon Bill, or other specialty, and so assigned, as fully as the Original Creditor might have done. Provided the Assignment be either made upon the back of the Specialty, or to the Court some other way cleared, that future questions may be stopped, or duly answered.

Burglary, and Theft.

It is ordered, &c. That if any person shall commit Burglary, or break up any dwelling-house, or any thing equilant, or rob any person

person by force, or by using any threatening gestures, or other actions, in the fields, high-wayes, or other place, the party so offending, shall for the first offence (beside such restitution and damage as the Court to which the cognizance belongs, shall see cause to order) be branded on the right hand with the letrer (B) if he shall offend in the like kind a second time (beside restitution and damage) he shall be branded on the left hand, and also be severely whipt; and if he fall into the like offence the third time, (beside restitution and damage out of his estate) he shall be put to death as incorrigible. And if any person shall commit such Burglary, or so rob in any place on the Lords day, he shall (beside restitution and damage) for the first offence, be burnt on the right hand, as before, and severely whipt; for the second offence, he shall be burnt on the left hand, stand on the Pillory, be severely whipt, and wear a halter in the day time constantly and visibly about his neck, as a mark of infamy, till the Court of Magistrates see cause to release him from it; but if he fall into the same offence the third time, he shall be put to death as incorrigibly unrighteous, and presumptuously profane.

Zech. 12. 6
Judg. 18. 7

Numb. 15.
30, 31.

And to prevent or supprese other thefts, and pilfrings, it is Ordered, That if any person shall be taken, or proved to have stollen, assisted, or any way have been accessory to the stealing of any Cattel of what sort soever, or Swine, he shall by way of forfeit make such restitution to the owner, as the Court considering all circumstances, shall judge most agreeable to the word of God. And if any person shall be proved to have stollen any Goods of what sort soever, out of any mans dwelling-house, Warehouse, Barn, or other Outhouse, or left out in Court, Yard, Garden, Orchard, High-way, from the Water-side, or out of any Boat or Vessel, or other place, or to have robbed any Garden, or Orchard, or stollen, or hurt, any grafts, or fruit-trees, or fruit, he shall forfeit and pay double damages to the owner, beside such further fine and punishment, as the Court considering all aggravating circumstances of time, manner, &c. shall judge meet. If the thief in any part of the premisses be not able to make restitution (if the case require it) he is to be sold for a servant till by his labour he may make due restitution. And if any Children, or Servants, who cannot pay for themselves, shall transgresse, and trespass in any part of the premisses, if their Parents or Masters

Ex. 22. 1.
to 5.

Ex. 22. 3.

will

will not pay the penalty for them, they shall be publickly whipt, or further proceeded against as the case may require, and all Servants, and workemen, imbezeling pilfring or stealing the goods of their Masters, or such as set them on worke, shall make such Restitution, and be liable to all Lawes and penalties as other men, and if any person shall be proved to pilfer or steale a second or third time, his punishment shall be increased by whiping or otherwise, as the Court shall see cause.

And foras much as small thefts, trespasses, or other offences of a Criminall nature, are sometimes committed by the *English* or others in Townes or places remote from Prisons, or it may prove inconvenient to defer the Tryall, or to make stay of the persons offending, or hard to get security for appearance at a Court, it is therefore Ordered, that any Magistrate, or Deputy intrusted to assist in Judicature, calling in such other help as the place affords for a Plantation Court (which help is hereby required to attend the service upon due warning) may upon complaint brought to him, when the case so requires, with the first conveniency, heare, and upon due proofe determine any such offence, (the valew whereof either in point of fine, damage, or other punishment exceeds not the limits of that Plantation Court, according to the Lawes here established) and may give warrant to the Marshall, or other Officer, for answerable execution, but if the offendour refuse to pay or have nothing to satisfie, the Magistrate, or Deputy with the help aforesaid, may punish by stocking, whiping, or otherwise; according to the nature of the offence, and import of this Law.

Capitall Lawes.

IT is Ordered, &c. That if any person after legall, or other due conviction, shall have, or worship any other God, but the Lord God, he shall be put to death, *Exod. 22. 20. Deut. 13. 6. 10. Deut. 17. 2, 3, 4, 5, 6.*

If any person be a Witch, he or she shall be put to death, according to *Exod. 22. 18. Levit. 20. 27. Deut. 18. 10, 11.*

If any person within this Jurisdiction, professing the true God, shall wittingly and willingly presume to blaspheme the holy name of God, Father, Son, or Holy Ghost, with direct, expresse, presumptuous, or high-handed blasphemy, either by willfull or obstinate denying the true God, or his Creation, or Government of the

the world, or shall curse God, father, Son, or Holy ghost, or reproach the holy Religion of God, as if it were but a politick device to keep ignorant men in awe; or shall utter any other kind of blasphemy of like nature, and degree, such person shall be put to death. *Lev. 24. 15, 16.*

If any person shall commit any wilfull murder, if he shall kill any man, woman or child, upon premeditated malice, hatred, or cruelty (not in a way of necessary and just defence, nor by meer casualty against his will) he shall be put to death. *Exod. 21. 12, 13. Numb. 35. 31.*

If any person slayeth another suddenly in anger, or cruelty of passion, he shall be put to death, *Levit. 24. 17. Numb. 35. 16, 17, 18, 19, 20, 21.*

If any person come presumtuosly to slay another with guile, whether by any kinde of force, Poyson, or other wicked practice, every such person shall be put to Death. *Exod. 21. 14. Agreeing with Deut. 19. 19. By parity of Reason.*

If any man or woman, shall lye with any beast, or bruite creature by carnall Copulation, he, or she, shall surely be put to death, and the beast shall be slaine, buried, and not eaten, *Levit. 20. 15, 16.*

If any man lyeth with mankinde, as a man lyeth with a woman, both of them have Committed abomination, they both shall surely be put to death. *Levit. 20. 13.* And if any woman change the naturall use, into that which is against nature, as *Rom. 1. 26.* she shall be liable to the same Sentence, and punishment, or if any person, or persons, shall Commit any other kinde of unnatural and shamefull filthines, called in Scripture the going after strange flesh, or other flesh then God alloweth, by carnall knowledge of another vessel then God in nature hath appointed to become one flesh, whether it be by abusing the contrary part of a grown woman, or Child of either sex, or unripe vessel of a Girle, wherein the naturall use of the woman is left, which God hath ordained for the propagation of posterity, and Sodomitcall filthinesse (tending to the destruction of the race of mankind) is committed by a kind of Rape, nature being forced, though the will were inticed, every such person shall be put to death. Or if any man shall act upon himself, and in the sight of others spill his owne seed, by example, or counsel, or both, corrupting or tempting

Jude 7.

others to doe the like, which tends to the sin of Sodomy, if it be not one kind of it; or shall defile, or corrupt himself and others, by any other kind of sinfull filthinesse, he shall be punished according to the nature of the offence; or if the case considered with the aggravating circumstances, shall according to the mind of God revealed in his word require it, he shall be put to death, as the Court of Magistrates shall determine. Provided that if in any of the former cases, one of the parties were forced, and so abused against his or her will, the innocent person (crying out, or in due season complaining) shall not be punished, or if any of the offending parties were under fourteen year old, when the sin was committed, such person shall onely be severely corrected, as the Court of Magistrates considering the age, and other circumstances, shall judge meet.

If any man married, or single, commit Adultery with a married or espoused wife, the Adulterer and Adulteresse shall surely be put to death, *Lev. 18. 20. Lev. 20. 10. Deut. 22. 23, 24.*

If any person steale a man, or mankind, that person shall surely be put to death, *Exod. 21. 16.*

If any person rise up by false witness, wittingly and of purpose to take away any mans life, that person shall be put to death, *Deut. 19. 16, 18, 19.*

If any person shall conspire, and attempt any invasion, insurrection, or publick Rebellion against this Jurisdiction, or shall endeavour to surprize, or seize any Plantation, or Town, any Fortification, Platform, or any great Guns, provided for the defence of the Jurisdiction, or any Plantation therein; or shall treacherously and perfidiously attempt the alteration and subversion of the frame of policy, or fundamentall Government laid, and settled for this Jurisdiction, he or they shall be put to death, *Num. 16.*

Rom. 1. 32 2 Sam. 18. 2 Sam. 20. Or if any person shall consent unto any such mischievous practice, or by the space of foure and twenty hours conceale it, not giving notice thereof to some Magistrate, if there be any Magistrate in the Plantation, or place where he liveth, or if none, to some Deputy for the Jurisdiction, or to the Constable of the place. that the publick safety may be seasonably provided for, he shall be put to death, or severely punished, as the Court of Magistrates weighing all circumstances shall determine.

If

If any Child, or Children, above sixteen year old, and of competent understanding, shall curse, or smite, his, her, or their naturall father, or mother, each such Child shall be put to death, *Exod. 21. 17. Levit. 20. 9. Exod. 21. 15.* unlesse it be proved, that the Parents have been very unchristianly negligent in the education of such Child, or Children, or so provoked them by extream and cruell correction, or usage, That they have been urged or forced thereunto, to preserve themselves from death or maiming.

If any man have a stubborn Rebellious Son, of sufficient Age and understanding, namely fifteen year old, or upward, which will not obey the voyce of his father, or the voyce of his mother, and that when they have chastned him, will not hearken unto them, then shall his father and his mother (being his naturall Parents) lay hold on him, and bring him to the Magistrates assembled in Court, and testifie unto them, that their Son is stubborn and rebellious, and will not obey their voyce and chastisement, but lives in sundry notorious crimes ; such a Son shall be put to death, *Deut. 21. 18, 19, 20, 21.*

If any man shall ravish any maid, or single woman, who is above the age of ten years, committing carnall copulation with her by force, against her own will, he shall be severely and grievously punished, as the Court of Magistrates considering all circumstances shall determine.

Caske and Cooper.

It is Ordered, &c. That all Cask, whether Pipes Hogsheads, Barrels quarter Cask, or other sorts used in Trade, whether for any Liquor, Fish, Pork, Beef, or other Commodity put to sale, shall be of *London Assize*. And that in each Plantation within this Jurisdiction, where Cask is made or used for Trade, the Plantation Court, or the Constable, with the present or last Deputies for the Generall Court, where there is no Plantation Court shall from time to time appoint some fit person, or persons, to view and gage all such Vessel or Cask : and such as shall be found of due Assize and made of sound, and well seasoned stiffe, (and none but such shall be marked with the Gagers mark) who shall have for his paines eight pence for every Tun, and proportionably for what he so marketh. And every Cooper shall have, and set a distinct brand-mark of his own, upon each Cask, upon

*Deut. 25.
15.
Mic. 6.10.*

paine of forfeiting after the rate of twenty shillings a Tun, for what he sells, either without the Gagers mark, or not marked with his own constant brand mark.

Cattell, Corn, Fields, Fences.

To prevent, or remedy much inconvenience, and many differences which may grow about Fencing, Planting, Sowing, Feeding, and improving of common fields, inclosed for Corn, or other necessary use, it is ordered, That every person interessed in any such field, shall from time to time, make and keep his part of the Fence, sufficiently strong, and in constant repaire, according to all Orders in force in each Plantation, to secure the Corn, and other fruits therein. And shall not put, cause, or permit any Cattel to be put in, so long as any Corn, or other fruit shall be growing, or remain upon any part of the Land so inclosed. Unlesse by some generall expresse agreement of such as are interessed. And if at any time the owners or occupiers of any such inclosed Land cannot, or doe not agree, in any part of the premises, It is Ordered, That upon due and seasonable notice given to the select men or Towns men, appointed for prudentiall affaires, proper to their care and trust by any concerned, and unsatisfied, they shall appoint a convenient time to hear and order such differences, and settle a due way of fencing, improving, and preserving such fields, and the fruits of them. And whosoever shall oppose, or transgresse, shall be liable to all damages proved to grow thereby, and to such further fine for breach of Order, as the Plantation Court, or Authority thre setled for such purposes, shall judge meet. But in any Plantation, where there are yet no such select, or Towns men, the Freemen from among themselves, shall yearly choose a convenient number to order such occasions, that peace and righteousness may be the better preserved therein. And these select, or Towns men, shall from year to year appoint one, two, or more, of the Planters, for all or each common field, belonging to the Plantation where they dwell, to view the common Fences within their trust, and to take due notice of the reall defects and insufficiency thereof, and shall forthwith acquaint the owners with the same. And if the said owners or occupiers doe not at furthest within six working dayes, or sooner if the said select men see cause, and so appoint, sufficiently repaire, or cause the same to be repaired, he, or they, shall forthwith upon the demand

mand of the appointed Viewer or Viewers (beside other just damages) pay as a fine to the Plantation, twelve pence for every Rod (if there be a considerable quantity of such defective Fence together) or for every single defect, in such faulty Fence, or the said Viewer or Viewers, taking due witnessse of the defects, may if it suite their conveniency forthwith repaire or renew them, or cause them to be repaired or renewed, and shall have double recompence for the same, to be paid (beside other just damages) by the owners or occupiers of the said insufficient Fence, or Fences. And in either case if payment be denied, or delayed, such Viewer, or Viewers, shall have Warrant from the said select men, directed to the Marshall, or Constable, to levy the same forthwith upon the estate of the Delinquent.

And where Lands lye in Common unfenced, if one man shall improve his Land by fencing in severall, and others, one, or more shall not, he who shall so improve, shall secure his Land from other mens Cattel (unruly Cattle excepted) who shall compell no man to make any Fence with him, except he also improve in severall, and where one man shall improve before his neighbour, and so make the whole Fence, if his said neighbour shall after improve, he shall then satisfie for half the others Fence against him, according to the present value, and shall maintaine the same: And if the said first man shall after lay open his said field, or land, then the said Neighbour shall both enjoy his said half Fence so purchased, and shall have liberty to buy the other half Fence against his Land, paying according to the present worth as it shall be rated by two men indifferently chosen. And the like Order shall be, when any man shall improve Land, against, or adjoyning to a Town Common. Provided this extend not to house-lots, in which, if one shall improve, his neighbour or neighbours shall be compellable to make, and maintaine one half of the Fence between them, whether he or they improve, or not. Provided also, that no man shall be liable to damage done in any ground not sufficiently fenced, and himself not interessed in the defective Fence, or some part of it, except the damage were done by prohibited or unruly Cattel of any sort (in which Swine are included) which cannot be restrained by ordinary Fences, or where any shall unwarrantably put in Cattel, of what sort, or under what colour or pretence soever, or otherwise willfully trespass upon his neighbours ground.

It is further Ordered, That whatsoever Swine, or greater Cattel (Horses excepted, which are particularly mentioned hereafter) shall be found in the Woods, or Commons unmarked, are lyable to Poundage, and being either Pounded, or otherwise prosecuted and proved, the Owner shall pay for each Swine unmarked, three shillings and four pence, of which half the fines to the Pounder, or Prosecutor, and the rest to the Plantation. And for each of the greater sort of Cattel, six shillings, whereof half shall be Ordered to the Pounder, or Prosecutor, and the rest to the Plantation ; but if the owners be not known, or found, then every such Swine or Beast of a greater kind, to be duly cryed, that the owner may take notice, claim his interest, and pay the fine, and charges ; but if yet no owner be found, then after due apprise-ment by indifferent men chofen by Authority in the place, and the same recorded by the Secretary, sale to be so far made, that the fine and charges may be fully paid, and the remainder kept by the Treasurer, till the owner be knowne, And the rest of such Swine, or Cattel, being first marked with a publick Town mark, or brand, with some distinction from the mark of particular men, to be again turned into the woods.

Lastly, it is Ordered, That no owner of Cattel, of what kind soever, after knowledge, or notice given, that any Cattel of his, whether Horse, other Beast, or Swine, is unruly in respect to fences, shall suffer any such to goe at liberty, either in Common, or against Corn fields, or other impropriate enclosed grounds fenced as aforesaid, but shall either constantly keep them upon his own ground, within sufficient fences, all his own, or put and keep upon each of them, such shackles and fetters, or yoaks and rings, as may sufficiently from time to time, restrain and prevent trespass, or shall pay all damages and charges, whether in Corne, or other fruits, with hurt in fences, expence of time, and help in catching Pounding, driving out, and bringing home, any such unruly Cattel, of what kind soever, with such further fine for breach of Order, and Court charges, if the Plaintiff be put to recover it that way, as the Court shall judge meet.

Charges publick.

That publick charges may be defrayed in a ready and just way, it is Ordered by this Court, and the Authority thereof That in each Plantation within this Jurisdiction, the select or Towns men,

men, or some others thereunto deputed, doe yearly the first week of the third month called *May*, require, procure, and make a full and just List of all the male persons within their limits, from sixteen years old, and upwards; and a true estimation of all personall and reall estates, being or reputed to be the estate of all, and every the persons belonging to the Plantation, or in their present possession, *viz.* of Houses, Lands of all sorts, Meadow and upland, as well unbroken up, as other (except such as doth and shall lye common for free feed of Cattel at all times to the use of the inhabitants in generall) Mills, Ships, and all small Vessels, merchantable Goods, Cranes, Wharfs, and all sorts of Cattel, and other estate (household stuff, and Goods of that kind, provided and kept for that use, and not for Trade, onely excepted, whether at Sea, or on shoar, with a due consideration and estimate of the advantage men may have by their severall and respective Arts, or Trades. Which List, and particular account, of males and estates in reference to Rates, shall by the Deputies chosen by each Plantation, and sent to a list at the Generall Court, be presented yearly when they sit, in the latter end of *May*, under such penalty for default, as the Court considering the hindrance in the Jurisdiction affaires, shall see cause to inflict. All which persons and Estates, are to be assessed and rated, by such as are thereunto appointed, for one single rate, as followeth, *viz.* Every male person above sixteen years of age (except Magistrates and Elders of Churches) at twenty pence by the head, and all estates both reall and personall, at one penny for every twenty shillings. And that Houses (wherein there is much difference) may be the more equally rated, according to their worth, it is Ordered, That the Deputies from the severall Plantations within this Jurisdiction now assembled at this Generall Court, doe before their return, rate two Houses in *New-haven*, which shal be as patternes for the other Plantations to rate by. That all Lands, whether Meadow, or upland, and whether the upland be better, or worse, broken up, or not, (except it lye common as before) be rated at twenty shillings an Acre, and for that a considerable part of mens estates in these parts, lyeth in Cattel, to avoyd many Questions which may grow about their age, it is Ordered, That all sorts of Cattel from year to year, though any of them should not be a year old till the last of *July*, yet in reference to Rates, be accounted,

and

and pay as if they were a year old the first of *May*. And in like manner for two years old, or elder ; and in lieu thereof, Cattel though near 3 quarters of a year old the first of *May*, shall not be Rated, and Cattel of a year and almost three quarters, shall be Rated but a year old, and so upward. And it is further Ordered, That till this Court find some considerable alteration in prises, every Cow of four year old (the age reckoned as before) or upward, shall be Rated at five pounds, every Heifer, or Steer, three year old, reckoned as before, at four pounds ; and betwixt two and three years old, at fifty shillings ; and of one year old, thirty shillings. Every Ox, and Bull of four year old, or upward, at six pounds ; every Horse of three year old (after the former account) or more, shall be valued at ten pounds ; every Mare of three year old, or upward, at twelve pounds ; those of two year old, or upward, according to the former account, whether Horse, or Mares, each of them at five pounds ten shillings ; and those of three quarters of a year old, or above, till they come to be a year and three quarters, shall be Rated at three pounds and ten shillings ; every yew sheep of a year old, or above, at thirty shillings ; every weather sheep, or Ram, of a year old, or above, at sixteen shillings ; every Goat of a year old, or above, at eight shillings ; every Swine of a year old, or above, at twenty shillings ; every Asse of a year old, or above, at forty shillings. And all Hey, and Corn in the husbandmans hand, is hereby exempted from Rates, because all Meadow, Arrable Land, and Cattle, are Rateable as aforesaid. And for all such persons, as by the advantage of their Arts and Trades, are more enabled to bear publick charges, than common Labourers and Workmen, as *Butchers*, *Bakers*, *Victuallers*, *Smiths*, *Carpenters*, *Taylors*, *Shoomakers*, *Joiners*, *Barbers*, *Masons*, *Masons*, with other Artists, such are to be rated for their returns and gaines, in proportion to other men, for the produce of their estates. Provided that in the Rate by the Poll, such persons as are disabled by sicknesse, lamenesse, or other infirmity, shall be so long exempted. And for such Servants and Children, as take not wages, their parents and Masters shall pay for them ; but such as take wages, shall pay for themselves. And it is Ordered, That all Rates assessed by this Court, be duly paid in, to the Jurisdiction Treasurer, at such time, or times, in such pay, and at such prises, as this Court shall appoint, and under such penalties

nalties for default, as shall from time to time be Ordered. And power is hereby given and granted to each Plantation within this Jurisdiction, to gather all Rates from time to time, from the severall inhabitants, as they grow due; and for want, or delay of payment in an orderly way, to distreyn within their own limits, to prevent further inconveniences. But that the Jurisdiction suffer not by the neglect or delay of any Plantation, or Plantations herein, It is further Ordered, That at any time hereafter, upon the complaint of the Jurisdiction Treasurer, any Magistrate may send the Marshall alone, or with others to distreyn the Cattel, Corn, or any other Goods belonging to any of the inhabitants, within such Plantation, as shall be defective in the payment of Rates due, for the whole sum behind and unpaid, with addition of all penalties incurred, and due charges for the Marshall, and others employed in seizing, and bringing away such distresse, every inhabitant in such case, having liberty to require, and recover his damage, from the Plantation, or Officers, there intrusted for Civil affaires, according to Justice. Provided that if any person now, or hereafter, having taken up a Lot, or Lots in any Plantation, be removed, or shall withdraw himself, and his moyeable estate, or any considerable part of it, still keeping such Lot, or Lots, in his own possession, or power, without due improvement, by which means the Plantation wants his personall service, besides other inconveniences, It is hereby Ordered, That in such case, every such person shall in all respects, pay his Rates by Lands only, as was Ordered, and done before Rating by heads, and estates, but in due proportion to a whole Rate, as then it was. And if the Plantation find no other means to recover the said Rates, they may distreyn Houses, or Lands, or both, upon a true account, that what advantage they shall make, by selling or letting the same, or any part thereof, over and above what is due for the said Rates, with just damages, and necessary charges, shall be returned to the Owner, if he demand the same, within three years.

Childrens Education.

Whereas too many Parents and Masters, either through an over tender respect to their own occasions, and businesse, or not duly considering the good of their Children, and Apprentices, have too much neglected duty in their Education, while they are young, and capable of learning, It is Ordered, That the Deputies for the particular Court, in each Plantation within this Jurisdiction for the time being; or where there are no such Deputies, the Constable, or other Officer, or Officers in publick trust, shall from time to time, have a vigilant eye over their brethren, and neighbours within the limits of the said Plantation, that all parents and Masters, doe duly endeavour, either by their own ability and labour, or by improving such Schoolmaster, or other helps and means, as the Plantation doth afford, or the family may conveniently provide, that all their Children, and Apprentices as they grow capable, may through Gods blessing, attain at least so much, as to be able duly to read the Scriptures, and other good and profitable printed Books in the English tongue, being their native language, and in some competent measure, to understand the main grounds and principles of Christian Religion necessary to salvation. And to give a due Answer to such plain and ordinary Questions, as may by the said Deputies, Officers, or others, be propounded concerning the same. And where such Deputies or Officers, whether by information or examination, shall find any Parent or Master, one or more negligent, he or they shall first give warning, and if thereupon due reformation follow, if the said Parents or Masters shall thenceforth seriously and constantly apply themselves to their duty in manner before expressed, the former neglect may be passed by; but if not, then the said Deputies, or other Officer or Officers, shall three months after such warning, present each such negligent person, or persons, to the next Plantation Court, where every such Delinquent upon proof, shall be fined ten shillings to the Plantation, to be levied as other fines. And if in any Plantation, there be no such Court kept for the present, in such case, the Constable or other Officer, or Officers, warning such person or persons, before the Freemen, or so many of them as upon notice shall meet together, and proving the neglect

neglect after warning, shall have power to levy the fine as aforesaid: But if in three months after that, there be no due care taken and continued for the Education of such Children or Apprentices as aforesaid, the Delinquent (without any further private warning) shall be proceeded against as before, but the fine doubled. And lastly, if after the said warning, and fines paid or levied, the said Deputies, Officer or Officers, shall still find a continuance of the former negligence, if it be not obstinacy, so that such Children or Servants may be in danger to grow barbarous, rude and stubborn, through ignorance, they shall give due and seasonable notice, that every such Parent and Master be summoned to the next Court of Magistrates, who are to proceed as they find cause, either to a greater fine, taking security for due conformity to the scope and intent of this Law, or may take such Children or Apprentices from such Parents or Masters, and place them for years, Boyes till they come to the age of one and twenty, and Girles till they come to the age of eighteen years, with such others, who shall better educate and govern them, both for publick conveniency, and for the particular good of the said children or Apprentices.

Conveyances fraudulent.

To prevent or avoyd the mischievous inconveniences which may grow by fraudulent conveyances, and that every man may the better know what estate or interest other men may have in any Houses, Lands, or other Hereditaments which he purposeth to deale in, It is Ordered, That no Morgage, Bargaine, Sale, Grant or Conveyance, made of any House or Houses, Lands, Rents, or other Hereditaments, within this Jurisdiction, where the granter remaines in possession, shall be hereafter in force, against any other person or persons, then the granter and his heirs, unlesse the same be acknowledged before some Court or Magistrate within this Jurisdiction, and Recorded as hereafter expressed. And that no such grant, bargain or sale already made in way of Morgage, &c. where the granter remains in possession, shall be of force against any other but the granter and his heirs, except the same shall be entred (as here expressed) within one month after the first publishing of this Order, if the party

Gen. 23.
16, 17, 18.
Jer. 32.
10, 11.

concerned be within this Jurisdiction, or else within three months after he shall return. And if any such Granter be required of the Grantee, his Heirs or Assigns, to make an acknowledgement accordingly, of any grant, sale, bargain, or morgage, by him made, and shall refuse so to doe, it shall be in the power of any Court or Magistrate, to send for the party so refusing, and upon evidence of his injuriousnesse therein, to commit him to Prison, without Baile or mainprize, untill he shall acknowledge the same. And the Grantee in such case is to enter his caution with the Secretary, or other Officer appointed to Record such Deeds, and this shall save his interest in the mean time. But if it be doubtfull whether it be the deed or grant of the party, he shall be bound with Sureties to the next Court of Magistrates, and the caution shall remain good as aforesaid. Lastly, it is Ordered, That in each Plantation, either the Secretary, or some other Officer, be appointed duly to enter and Record, in a Book kepi for that purpose, all and every such grants, sales, bargaines, morgages of houses, Lands, Rents, and other Hereditaments, as aforesaid, with all and every such caution, together with the name of the Granter and Grantee, thirg, and Estate granted, with the date thereof; the Grantee paying six pence to the Secretary or Officer, for each such Entry or Record.

Cooper, see Caske.

Courts for Strangers.

For the ease and conveniency of Strangers, who sometimes cannot stay to attend the ordinary Courts of Justice, it is Ordered, That the Governour, Deputy Governour, or any Magistrate within this Jurisdiction, may call a speciall Court, and that in such cases, any three Magistrates, calling in such of the Deputies for the Plantation Conrt, as may be had, shall have power to hear and determine all causes civil and criminal (triable in Plantation Courts, when two Magistrates are called in) which shall arise betwixt such Strangers; or when any such stranger or strangers, shall be a party, whether Plaintiff or Defendant, the Secretary of the place (as in other ordinary trialls) duly Recording the proceedings, all which shall be at the charge of the party, or parties, as the Court shall determine; so that neither the Jurisdiction

nor

nor Plantation be charged by such Courts.

Cursing, see Prophane swearing.

Damages pretended, and Vexatious Suites.

It is Ordered, &c. That if any person or persons in any suit, shall falsely pretend gr. at damages or debts, to discredit, trouble, or vex his, her, or their adversary, the Court upon discovery and proof, shall have power to set a reasonable fine upon the head of any such offender; and that in all cases, where it appears to the Court, that the Plaintiff hath willingly and wittingly done wrong to the Defendant, in commencing and prosecuting any Action, Suit, Complaint, or Indictment, in his own name, or in the name of others, he shall beside just damages to the party wronged, be fined forty shillings, or any lesse sum to the Jurisdiction or Plantation Treasury, as the case may require.

Distresse.

It is Ordered, &c. That no mans Corn or Hey that is in the field, or upon the Cart, nor his Garden stuff, nor any thing subject to present decay, shall be taken in Distresse, or by way of Attachment, unlesse it be firslduly prized, by Order of some Magistrate, or other Officer; and that he that takes it, first put in due security to satisfie the worth of it, if it come to any harm, with other damages, according to the course of Justice.

Disturbers of the publick Peace.

It is Ordered, &c. That whosoever shall disturb or undermine the peace of this Jurisdiction, or of any of the Plantations, Churches, Families, or persons within the same, whether by conspiring, or plotting with others, or by his own tumultuous and offensive carriage, traducing, reproaching, quarrelling, challenging, assaulting, battery, or in any other way, tending to publick disturbance, in what place soever it be done, or shall defame any Court of Justice, or any of the Magistrates, or other Judges of any such Court within this Jurisdiction in respect of any Act, or sentence therein passed; every such offender upon due proof made, either

Numb. 16.

Against the
sixt Com-
mande-
ment.

Ex. 22. 28.

in

in the Generall Court, Court of Magistrates, or particular Court, (if the tryall, and issuing of the case exceed not their limits) shall be punished by fine, imprisonment, binding to the peace, or good behaviour, disfranchisement or banishment, according to the quality and measure of the offence, or disturbance.

*Divorce or a Marriage declared a Nullity.
Desertion, &c.*

It is Ordered, &c. That if any married person proved an Adulterer, or an Adulteresse, shall by flight, or otherwise, so withdraw or keep out of the Jurisdiction, that the course of Justice (according to the mind and Law of God here established) cannot proceed to due execution, upon complaint, proof, and prosecution, made by the party concerned, and interessed, a separation or Divorce, shall by sentence of the Court of Magistrates be granted and published, and the innocent party shall in such case have liberty to marry again, *Mat. 19. 9.*

And if any man marrying a woman fit to bear Children, or needing and requiring conjugall duty, and due benevolence from her husband, it be found (after convenient forbearance and due tryall) and satisfingly proved, That the husband, neither at the time of marriage, nor since, hath been, is, nor by the use of any lawfull means, is like to be able to perform or afford the same, upon the wives due prosecution, every such marriage shall by the Court of Magistrates, be declared void, and a nullity, the woman freed from all conjugall relation to that man, and shall have liberty in due season, if she see cause, to marry another ; but if in any such case, deceipt be charged and proved, that the man before marriage knew himself unfit for that relation, and duty, and yet proceeded, sinfully to abuse an Ordinance of God, and in so high a measure to wrong the woman, such satisfaction shall be made to the injured woman, out of the estate of the offendour, and such fine paid to the Jurisdiction, as the Court of Magistrates shall judge meet. But if any husband after marriage, and marriage duty performed, shall by any providence of God be disabled, he falls not under this Law, nor any penalty therein. And it is further declared, That if any husband shall without consent, or just cause shewn, willfully desert his wife, or the wife her husband,

actu-

actually and peremptorily refusing all Matrimoniall society, and shall obstinately persist therein, after due means have been used to convince and reclaim, the husband or wife so deserted, may justly seek and expect help and relief, according to 1 Cor. 7. 15. And the Court upon satisfying evidence thereof, may not hold the innocent party under bondage.

Dowryes.

It is Ordered, &c. That every married woman (living with her husband in this Jurisdiction, or other where absent from him, with his consent, or through his meer default, or inevitable providence, or in case of Divorce where she is the innocent party) that shall not before marriage be estated by way of Joynture (according to Agreement) in some Housing, Lands, Tenements, Hereditaments, or other means for tearm of her life, shall immediately after the death of her husband, have right and intereit by way of Dower, in and to one third part of all such Houses, Lands, Tenements and Hereditaments, as her said husband was seized of to his own use, either in possession, reversion, or remainder, within this Jurisdiction, at any time during the marriage, to have and enjoy for tearm of her naturall life, according to the estate of such husband, free, and freely discharged of and from all Titles, Debts, Rents, Chārges, Judgements Executions, and other Incumbrances whatsoever, had, made, or suffered by her said husband, during the said marriage between them, or by any other person claiming by, from, or under him, other wise then by any Act, or consent of such wife, as this Court shall ratifie, and allow. And if the Heir of the husband, or other person interested, shall not within one month after lawfull demand made, Assign, and set out to such widow, her just third part with conveniency, or to her satisfaction, according to the intent of this Law, then upon due complaint, and prosecution either before the Court of Magistrates, or Plantation Court, as the case may require, her Dower, or third part, shall be assigned and set forth by such persons as the Court shall appoint, with due costs and damages. Provided that this Law shall not extend to any Houses, Lands, Tenements, or other Hereditaments, sold orconveyed away by any husband *bona fide*, for valuable consideration before this Law was published. And it is

is further Ordered, That every such wife, as before expressed, immediately after the death of her husband, shall have interest in, and unto, one third part of all such Money, Goods and Chattels, of what kind soever, whereof her husband shall dye possessed, (so much as shall be sufficient for the discharge of his Funerall, and just debts, being first deducted) to be allowed, and set out to her (as before appointed) for her Dower ; provided alwayes, that every such widow endowed as aforesaid, shall from time to time, maintain all such Houses, Fences, Inclosures, with what else shall be for her life assigned to her of such Estate, for her Dowry, and shall in all respects leave the same in good and sufficient repaire, neither committing nor suffering any strip, or wast.

Ecclesiastical Provisions.

Essay 49.
23.

1 Tim. 2.7.

Acts 13.10
with Beza
his Note
upon it.

Forasmuch as the word of God, as it is contained in the Holy Scriptures, is a pure and precious light, by God in his free and rich grace given to his people, to guide and direct them in safe paths to everlasting peace. And for that the Preaching of the same, in a way of due Exposition and Application, by such as God doth furnish and send, is through the presence and power of the holy Ghost, the chief ordinary means appointed of God for Conversion, Edification, and Salvation, It is Ordered, That if any Christian (so called) shall within this Jurisdiction, behave himself contemtuously toward the word Preached, or any Minister thereof, called, and faithfully dispensing the same in any Congregation, either by interrupting him in his Preaching, or falsly charging him with errour, to the disparagement and hindrance of the work of Christ in his hands, every such person or persons, shall be duly punished, either by the Plantation Court, or Court of Magistrates, according to the quality and measure of the offence, that all others may fear to break out into such wickednesse.

And it is further Ordered, That wheresoever the Ministry of the word is established within this Jurisdiction, according to the Order of the Gospel, every person according to the mind of God, shall duly resort and attend thereunto, upon the Lords dayes at least, and also upon dayes of publick Fasting, or Thanksgiving, Ordered to be generally kept and observed. And if any person within

within this Jurisdiction, shall without just and necessary cause, absent or withdraw from the same, he shall after due means of conviction used, for every such sinfull miscarriage, forfeit five shillings to the Plantation, to be levied as other Fines.

It is further Ordered, That all the people of God within this Jurisdiction, who are not in a Church way, being Orthodox in judgement, and not scandalous in life, shall have full liberty to gather themselves into a Church estate, provided they doe it in a Christian way, with due observation of the Rules of Christ, revealed in his word ; provided also that this Court doth not, nor hereafter will approve of any such company of persons, as shall joyn in any pretended way of Church fellowship, unlesse they shall first in due season, acquaint both the Magistrates, and the Elders of the Churches within this Colony, where and when they intend to joyn, and have their approbation therein. Nor shall any person being a Member of any Church, which shall be gathered without such notice given, and approbation had ; or who is not a Member of some Church in *New-England*, approved by the Magistrates, and Churches of this Colony, be admitted to the freedome of this Jurisdiction.

And that the Ordinances of Christ may be upheld, and comfortable provision made and continued, for a due maintenance of the Ministry according to the Rule, *1 Cor. 9. 6. to 12. Gal. 6. 6.* It is Ordered, That when, and so oft as there shall be cause, either through the perversesse, or negligence of men, the particular Court in each Plantation, or where no Court is held, the Deputies last chosen for the Generall Court with the Constable, or other Officer for preserving peacc, &c. shall call all the Inhabitants, whether Planters, or Sojourners before them, and desire every one particularly to set down what proportion he is willing and able to allow yearly, while God continues his estate, towards the maintenance of the Ministry there. But if any one, or more, to the discouragement or hindrance of this work, refuse or delay, or set down an unmeet proportion in any and every such case, the particular Court, or Deputies and Constable as aforesaid, shall rate and assesse every such person, according to his visible estate there, with due moderation, and in equall proportion with his neighbours. But if after that, he deny, or delay, or tender unsuitable payment, it shall be recovered as other just debts. And

2 Chron.
31. 4.
Neh. 13.
10. to 15.

it is further Ordered, That if any man remove from the Plantation where he lived, and leave or suffer his Land there, or any part of it, to lye unimproved, neither selling it nor freely surrendring it to the Plantation, he shall pay one third part of what he paid before, for his moveable estate and Lands also. And in each Plantation where Ministers maintenance is allowed in a free way, without Rating, he shall pay one third part of what other men of the lowest rank, enjoying such accomodations, doe pay: But if any removing settle near the said Plantation, and continue still to improve his Land, or such part of it as seems good to himself, he shall pay two third parts of what he paid before, when he lived in the Plantation, both for moveable estate, and Land, or two third parts of what others of like accomodation pay.

Escheates.

From pro-
portion
with that
Law in
Deut. 22.
v. 3, 30.

It is Ordered, &c. That where no Heire, or Owner of Houses, Lands, Tenements, Goods, or Chattels, can be found upon the decease of the late Testator or Proprietor. A true Inventory of every such Estate, in all the parts, and parcels of it, shall with the first conveniency be duly taken, and a just apprisement made upon Oath, by fit men thereunto appointed by the Magistrate, or such Authority as at that time is in the Plantation, where the said estate is; and the whole estate to be seized to the publick Treasury, till the true Heires or Owners shall make due claime thereto, unto whom the same shall be restored, upon just and reasonable tearms.

Falsifying see *Forgery*.
Fences, see *Cattell*.
Fines, see *Rates*.

Fire.

Exo. 22.6. **I**T is Ordered, &c. That whosoever shall kindle any fire in Woods, or Grounds, lying in common, or inclosed, so as the same shall burn Fences, Buildings, or cause any other damage, in any season or manner, not allowed by the Authority in that Plantation, or on the last day of the week, or on the Lords day, such person shall pay all damages, and half so much more, for a fine to

to the Plantation, and if not able to pay, shall be corporally punished, as the Court shall judge meet. But whosoever shall willingly and willingly burn, or destroy any Farm, or other building, Timber hewed, fawn, or riven, heaps of Wood, Charcoal, Corn, Hey, Straw, Hemp, Flax, or other Goods he shall pay double or treble damages, as the Court shall judge meet; or if not able to make such restitution, he shall be either sold for a servant till by his labour he may doe it, or be severely punished, as the case may require.

Forgery, or Falsifying.

It is Ordered, &c. That if any person shall forge or falsifie any Deed or Conveyance, Testament, Bond, Bill, Release, Acquittance, Letter of Attorney, or any Writing to pervert Equity and Justice, he shall stand on the Pillory three severall Lecture dayes, or other dayes of most publick resort, as the Plantation Court or Court of Magistrates (according to the value of the Cause) shall appoint, and shall render double damages to the party wronged; and further, he shall be disabled to give any Evidence to any Court, or Magistrate in this Jurisdiction, till upon his Repentance satisfiengly manifested to the Court of Magistrates, he be by sentence released from it.

It's also a
Testimony
against the
Ninth
Command-
ment.

Fornication.

It is Ordered &c. That if any man shall commit Fornication with any single woman, they shall be punished, either by enjoyning marriage, or fine, or corporall punishment, any, or all these, as the Court of Magistrates, or Plantation Court duly considering the case with the circumstances, shall judge most agreeable to the word of God.

Deut. 22.
28, 29.
Exod. 22.
16, 17.

*Fraudulent Conveyances,
see Conveyances.*

Gaming.

TO prevent much inconvenience which may grow by Gaming, It is Ordered, That no person, who either as an Inn-keeper, or seller of strong Liquors, Wine or Beer, entertaines strangers or others, to lodge, or eat, or drink, shall permit or suffer any to use the Game of shuffleboard, or any other Gaming within his house, or limits, under the Penalty of twenty shillings for every time so offending. And what ever person or persons shall so play or Game, in any such house, or place, or in any other Gaming house, where there is a common resort to such Play, or Gaming, shall forfeit for every such offence five shillings. And whosoever shall so play, or game for money, or money-worth, shall further forfeit double the value thereof, one half to the informer, and the rest to the Plantation, within the limits whereof he so played or gamed.

Heresie.

2 Cor. v. ult. Although no Creature be Lord, or have power over the faith and consciences of men, nor may constreyn them to believe, or professe, against their consciences, yet to restreyn, or provide against such as may bring in dangerous Errours or Heresies, tending to corrupt and destroy the soules of men, It is Ordered, &c. That if any Christian within this Jurisdiction, shall goe about to subvert or destroy the Christian faith, or Religion, by broaching, publishing, or maintaining any dangerous error, or Heresie, or shall endeavour to draw, or seduce others thereunto, every such person so offending, and continuing obstinate therein, after due means of conviction, shall be fined, banished, or otherwise severely punished, as the Court of Magistrates duly considering the offence, with the aggravating circumstances, and danger like to ensue, shall judge meet.

2 Pet. 2. 1,
2. with
Deut. 13.
5.

Zach. 13.
3. 6.

Horses.

Horses.

Whereas many questions, and sometimes troublesome suites grow betwixt men, about Horses running together in the Woods unmarked, It is Ordered That each Plantation in this Jurisdiction shall have a marking iron, or flesh-brand, for themselves in particular, to distinguish the Horses of one Plantation from another; namely *New-haven* an iron made to set on the impression of an H, as a brand-mark, *Milford* an M, *Guilford* a G, *Stamford* an S, *Southold* an S with an O in the middle of it, *Brainford* a T. Which Plantation brand-mark, is to be visibly and as sufficiently as may be, set upon the near bnttock of each Horse, Mare, and Colt, belonging to that Plantation. Beside which, every Owner is to have, and mark his Horse or Horses with his own particular flesh-brand having some Letter, or Letters of his name, or such distinguishing mark, that one mans Horses may be known from anothers. And that in each Plantation there be an Officer appointed; to Record each particular mans mark, and to see each particular mans Horse, Mare, and Colt, branded, and to take notice, and record the age of each of them, as near as he can, with the colour, and all observable marks, whether naturall or artificiall; and what artificiall marks it had before the branding, whether on the ear, or elsewhere, with the year and day of the month when branded. And in each Plantation, the Officer for his care and pains, to have six pence of the owner, for each Horse, Mare, or Colt, so branded and Recorded. And that after the publishing hereof, every one who hath any Horse, or Horses, of what age or kind soever, doe duly attend this Order, at his perill; the Officer also is to require as satisfying evidence of his right, who presents any such Horse, &c. as may be had, or to Record any defect of due Evidence, that a way may be open to other claimes.

Impost upon Wines, and strong Liquors.

For the better support of the Government of this Jurisdiction, &c. That every Person, Merchant, Seaman, or other, who shall bring any Wine into any Harbour, or place within this Colony.

Rom 13.7.

lony (except it come directly from *England*, or out of some other Harbour within this Jurisdiction, where they have already paid Custome, and that certified by the Officer who received it, before he or they Land or dispose any of it, more or lesse) shall first make entry of so many Buts, Pipes, or other Vessels, as he, they, or any of them shall put, take on shore, or any way dispose, by a note in writing, delivered to the Jurisdiction Treasurer at his house, or to some other Officer, appointed by each Plantation, who is to be upon his Oath for the said service, under the penalty of forfeiture and confiscation of all such Wines as contrary to this Order, are or shall be landed or sold before such Entry made, wheresoever found, or some lesse penalty, as the Court shall judge meet, upon proof that the error was committed through ignorance. And the first buyer, under the same penalty, shall see the same be done, the one half to the Jurisdiction, and the other half to him that informs, and prosecutes in the case. And the Merchant, or Owner of such Wines of any kind, as soon as he imports, Lands, and sells them, or any of them, shall deliver and pay to the said Treasurer, or Officer, for every But or Pipe of *Fiall* wines, or any other wines of those Islands, five shillings; for every Pipe of *Madary* wines, six shillings and eight pence; for every But or Pipe of *Sherris Sack*, *Maligo*, or *Canary* wines, ten shillings; for *Bastards*, *Tents*, and *Alligants*, ten shillings: And proportionably for greater or lesser Vessels of each kind. And for every Hogshead of *French* wines, two shillings and six pence, and proportionably for greater or lesser Vessels. And upon proof that any the forementioned wines, have been imported or landed, without such entry and payment, if neither the seller nor wine can be found, then double the value of the said Customes, by this Order due to the Jurisdiction, are to be recovered by way of Action, as other debts, of the first buyer of the said wines, if it will not be paid otherwise.

And it is further Ordered, That whosoever shall bring any strong liquor, of what kind soever, into any Harbour or other part of this Colony (unlesse directly out of *England*, or out of some other part of this Jurisdiction, where Custome hath been paid, and certified, as in the case of wines) before he or they land or dispose of any of it, more or lesse, shall first make a true and full entry, of the quantity he shall so import, or cause to be imported or

or landed, by a note in writing delivered to the Jurisdiction Treasurer at his house, or to some other Officer, as in the case of wines, under the like penalty of forfeiture, with mitigation if the case require it, as there, the one half to the Jurisdiction, the other half to him that informs and prosecutes. And the owner, or importer of any such strong liquor, as soon as he lands, imports, and sells it, or any part of it, shall deliver and pay to the said Treasurer, or Officer, for every Anchor containing ten Gallons, six shillings and eight pence, and so for greater or lesser quantities, namely after the rate of eight pence a Gallon. And the first buyer shall under the same penalty, see that such entry and payment be duly made. And that whosoever within this Colony, shall at any time for sale or merchandize, distill any sort of strong liquor, he or she shall within eight dayes after the same is distilled, and so ready for use, or sale, give in a like true note in writing, of the full quantity so distilled, to the Treasurer, or other Officer, under the like penalty, and shall within three months after, duly pay, or cause to be paid to the said Treasurer, or Officer, after the rate of eight pence a Gallon, for the full quantity so distilled, and upon proof, that any such strong liquor hath been distilled and sold without such entry and payment, the value thereof shall be forfeited to the Jurisdiction, unlesse cause of mitigation appear, as in the Wines. And that no person at any time retaile any sort of strong liquor within this Jurisdiction, without expresse license from the Authority of the Plantation, within the limits whereof he so sells, wherein the selling of lesse then three Gallons at a time, is to be accounted retaile, and that due moderation be attended in prises, when it is so retailed. But that none of any sort, be at any time sold, above three shillings and six pence a wine quart. Lastly, it is Ordered, That if any distilling such strong liquor within this Colony, shall by way of Trade or Merchandize, after he hath paid such Custome, ship and send forth out of this Jurisdiction, any quantity of the same, he shall for so much, have the said Custome repayed, by the Treasurer, or Officer who received it.

Imprisonment.

It is Ordered, That no mans person shall be imprisoned either for Fine, or Debt, to the Jurisdiction or Plantation, or particular person, if any competent means of satisfaction from his estate, doe otherwise appear ; but if no such estate be known, nor can presently be found, or if contempt or other proud and offensive behaviour against the Court, or any Authority here settled, be mingled with his cause, he may be imprisoned, and kept in prison at his own charge, if he be able, till satisfaction be made, or till the Ezra 7.26. Court which committed him, or some superiour Court, see cause to release him. Provided nevertheless, That no mans person shall be kept in prison for debt, at the will of the Creditor, but when there appears some estate which he will not produce, in which case, any Court, or Commissioners Authorized by the Generall Court, may administer an Oath to the party, or any others, suspected to be employed, or privy to the conveying away, or concealing of such estate, or some of it ; but if any such person or persons, in such case, being so required, shall refuse to discover the truth by Oath, he shall be liable to such fine, as the Court duly weighing the case shall judge meet ; but if no estate can be found, to pay or satisfie such just debt, or debts, every such debtor shall satisfie by service, if the Creditor, or Creditors require it, for such time, as the Court considering the debt, shall with due moderation judge meet ; but shall not be sold to any out of the United English Colonyes, if the debt grow by any ordinary way of borrowing, contract, or other engagement, and not by sinfull and heynous miscarriages, which disturb the publick peace, which the Court to whose cognizance such cases are proper, will duly weigh and consider.

It is Ordered, &c. That if any persons shall commit *Incest*, which is, when being near of kin, within the degrees by God forbidden, they wickedly defile themselves one with another, they shall be put to death, *Levit: 20. 11, 12, 14, 17, 19, 20, 21.*

Indians.

It is Ordered, &c. That no Planter, Inhabitant, or Sojourner within this Jurisdiction, shall directly, or indirectly for himself, or any other, purchase, or truck any Plantation, or land, upland, or Meadow more or less, of any *Indian*, *Indians*, or others from them, either upon the Maine between *Connecticut* River, and *Hudsons* River, or upon Long Island, nor shal receive any land by way of gift, or upon any other tearms, for his or their, or any, either private or publick use, or advantage, or as Agent for others who may pretend to begin a Plantation without express license, either from the Court of Magistrates for this Jurisdiction, or at least from some one of the Plantation Courts, where there is a *Magistrate*, and *Deputies*. And in the latter case, the Land to lye so as neither in point of Title, nor conveniency may concern any other Plantation, but onely the Plantation so licensing, under the penalty of losing and forfeiting all the Right and Title purchased, or obtained in any such Land, with such further punishment for contempt as the Court shall judge meet. And if any person or persons within this Jurisdiction, by what way or means soever be already justly possest, or interressted of or in any Land within the limits before mentioned, he or they shal neither directly nor indirectly by gift, sale, or upon any other consideration or respect, alienate or return the right he or they have in the same, or any part of it to the *Indians*, or any of them, without license from this Court; and if any Plantation within this Jurisdiction shal hereafter purchase, or upon any tearms receive, or obtaine Title or Right to any Land from the *Indians*, or others from them, which may concerne, or be convenient to another plantation within this Jurisdiction also; and so there grow any question or difference either in reference to the Land, or this Order, it shall be heard and determined by this Court, that peace may be canticued, and the conveniency of each Plantation provided for.

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And

And the better to suppress or restrain the inconveniences or mischiefs which may grow by a general and unlimited furnishing of the *Indians* with guns, powder, shot, or any other weapons or instruments proper or useful in or for war. It is Ordered, That whosoever of, or within this Jurisdiction, or any part thereof shal directly or indirectly, by himself or any other, sel, bater, give, lend, lose, or by any means, or device whatsoever, furnish any *Indian* or *Indians*, or any for them, with any guns smal or great, by what name soever called, or with any powder, shot, lead, or shot mould, or with any stocks or locks for guns, or swords, rapiers, daggers, or blades for any such, or pikes, pike-heads, halberts, arrow-heads, or any other provision or furniture for War of what kind soever, whether fully finished or not; or what Smith, or other person within or belonging to this Jurisdiction shal mend any gun, stock, or any thing belonging to it, or procure it to be done, or any the fore-mentioned, or other weapons or instruments proper, or used for war, without express written License from this general Court, or some one or more Deputed by them to give such License with directions upon what termes, and in what manner, such a trade with a due respect to all the Premises shal be managed. shal forfeit and pay to the Jurisdiction twenty times the value of what shal be sold, bartered, or any way alienated, mended, or upon any contrivement or device done contrary to the tenour and true meaning of this Order, or any part of it, whereof one 4th part goeth to the Informer, & the rest to the Jurisdiction.

And to the same purpose and end, it is further Ordered, that whosoever shal either directly or indirectly sel, bartar, or cause to be sold &c. any guns, powder, shot, lead, or any of the fore-mentioned instruments or provisions for warr, to any person or persons inhabiting out of this Jurisdiction, without license from two Magistrates of this Jurisdiction under their hands, or where there is but one Magistrate under his hand, and the hands of two Deputies for the Plantation Court, shal as a fine for his breach of order and contempt pay five times the value of what shal be so sold, bartered, &c.

And it is further Ordered, That the Magistrate or Magistrates who at any time give any such license under their hands shal keep a true account in writing of all the particulars, and quan-

quantities, he or they so license, to whom & upon what grounds that upon any question this Court may receive satisfaction therein; and that every such license be limited, as to the particular things and quantities; so to the time that if the same or any part thereof be not within the limited time sould and delivered, the license for the whole, or such part to be altogether void, and each sale or delivery after, without a new License to be adjudged a breach of this Order.

And the better to prevent controversies and disturbance betwixt the *English* and *Indians* in this Jurisdiction; it is Ordered, That whosoever shal upon any occasion trust, or take pawn or pledge of any *Indian* for the securing or payment of any thing sold or lent, he shal neither after take any thing from him or them by force, for, or toward satisfaction, nor dispose of any pawn, or pledg so received, though the time set for redeeming it be enquired, without either consent of the *Indian*, or license from the Court, or from the authority settled in the Plantation where he lives.

*Indians see further, into the title of Inn-keepers,
Tipling, and Drunkenness.*

Indictments.

If any person shall be indicted of, or legally charged with any capitall crime (who is not then in durance) and shal withdraw, or refuse to render his person to some Magistrate, or Officer for this Jurisdiction, within one moneth, after three proclamations publickly made in the Town, or Plantation where he did formerly usually abide, there being a full moneth betwixt Proclamation and Proclamation; his lands and goods shall be seized to the use of the Jurisdiction (and ordered with due respect to his family, as the Court of Magistrates shal judge meet) till he make his lawful appearance. And such withdrawing of himself shall stand in stead of one witnessse to prove the crime charged, unlesse he can make it appeare to the Court that he was necessarily hindered.

Inkeepers, Tipling, Drunkenness.

It is ordered, &c. That no person, or persons, shall at any time hereafter, under any pretence or colour whatsoever, undertake or become a common Victualler, keeper of a Cookes shop, or house for common entertainment Tavern, or publick

seller of Wine, Ale, strong Beere, or strong liquor by retaile within this Jurisdiction; nor shall any either directly or indirectly, sell any sort of Wine privately in his house, Cellar, &c. or out of doores, by a lesse quantity, or under three gallons at a time, without approbation and license of the Plantation-Court to which he belongeth: or where there is no such Court, without the license of the Constable, and major part of the free-men, under the penalty of five pounds, to be paid to the Plantation for the first miscarriage complained of, and proved; and ten pounds for the second miscarriage so proved: And where payment cannot or wil not be made, imprisonment during the Courts pleasure, for the first offence, and for the second offence, such further punishment as the Court shall order. And that no person so licensed shal sell any Beere, or Ale, above three pence an Ale quart, under the penalty of three shillings and four pence for such miscarriage, proved the first time, and six shillings and eight pence the second time. But it is allowed and ordered, that any man that will may sell Beere or Ale out of doores, at a penny a quart, or cheaper.

It is further ordered, That whosoever licensed as before, selleth any sort of Wine by retaile, that is, by any lesse quantity then three gallons at a time, he shall pay to the Jurisdiction Treasurer over and above the Custome before mentioned, after the rate of forty shillings for every Butt, or pipe so re-taled; and every one, that so sellleth by retaile, shal give a true account and notice to the said Treasurer, or to some other Officer appointed for that purpose in each plantation, of the true or ful quantity, which he either buyeth or receiveth into his custody, and that within one week after he is so possessed of it, upon paine of forfeiting the same, or the value thereof; and shal further every six months, truly account with the Jurisdictions Treasurer, or other Officer as aforesaid, for what he hath sold by Re-tale as aforesaid, and discharge the same, having due allowance for what he hath sold by greater parcels, then by this Order is accounted Re-tale; and in case of delay, or neglect of payment after demand, the Treasurer or Officer shal recover it by action as other debts, provided that if any person shal give in a false account to defraud the Jurisdiction upon due proof, he shal pay double the value of what he would so have kept back.

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And it is further ordered, that every person so licensed to draw and sel strong Beer, Ale, Wine, or strong liquor, do see, and take care that good order, and all Rules of sobriety be duly attended in his course, and house, and about the same; and that he neither see, nor suffer any to be drunken, or to drink excessively, or to continue Tipling above the space of an hour, or at unseasonable times; or after nine of the clock at night without weighty cause, nor that any Children or servants without the consent of Parents, or governors be permitted to sit, or stay there drinking or unnecessarily to spend their time there, especially at late or unseasonable hours, but that he duly complain to authority, that all such disorders may be seasonably suppressed, under the penalty of 5 shillings for the first offence, with such increase of fine for a continued slightness or neglect as the Court shal determine.

Provided notwithstanding, That such licensed persons may entertain strangers, land travellers, Sea-faring men, lodgers, or others for their necessary occasions, refreshment, or during meales, when they come from their Journies or Voyages, or when they prepare for their Journey or Voyage in the night, or next day early, or such may continue in such houses of common entertainment, as their busines and lawful occasions may require, so that there be no disorder among them.

But every person found drunken, namely so, That he be thereby for the present bereaved, or disabled in the use of his understanding, appearing in his speech, gesture, or carriage in any of the said houses or elsewhere, shal forfeit for the first time ten shillings; and for excess of drinking, or continuing in any such place unnecessarily at unseasonable times, or after nine of the clock at night five shillings, and for continuing tipling there above the space of an hour two shillings six pence for the first offence, and for the second offence in each kind, and for all further disorder, quarrelling, or disturbance, whether a first or second time, such further fine or punishment as the Court shall determine.

And for that God may be much dishonoured, and many inconveniences may grow by the *Indians* disorderly drinking of Wine, strong Water, and strong Beere, unto which they are much addicted; it is Ordered, That no person whatsoever shall

shal either directly or indirectly within this Jurisdiction, sell any Wine, strong Water, or strong Beere to any Indian or Indians, or procure any for them, either to drink within this Jurisdiction, or upon any pretence to carry away without special license under the hand of some Magistrate of this Jurisdiction, or in any plantation where there is no Magistrate, under the hand of one of the Deputies, or Constable where he lives; and that no license so given shall serve, or be of force any longer than for that one particular time, and for the limited quantity then granted, under the penalty of five shillings for the first offence, and ten shillings for the second; but if any shall offend the third time therein, it is left to the Plantation Court where the offence is committed to consider the cas: , and to inflict such punishment or increase of fine as shall be meet; and in any plantation, where at present there is no Court kept, the Deputies last chosen for the general Court, or Constable, shall require the forfeitures, and for defect of payment make seizure of so much out of the Delinquents estate; but if any person shall offend the third time, every such person shall by the said Deputies, or Constable, be bound over to answer it before the next Court of Magistrates.

Laws without penalty.

It is by this Court declared and Ordered, That in all Laws and Orders formerly, now, or hereafter to be made, where no fine, or penalty is expressed and limited, all Transgressours have been, are, and shall be lyable to such penalties, or punishments as the Court of Magistrates, or any plantation Court, to which the Cognizance appertains, weighing the nature of the offence, with the circumstances shall judge meet, liberty of Appeals, or Complaints, as in other Cases, being duly preserved.

Leather, and Shoo-makers.

Upon consideration of the damage or injury which many sustaine by the ill coming of Leather, and by the Shooe-makers ill making it up into shooes, and boots. It is by this Court Ordered, That in every Plantation within this Jurisdiction where either Tanner, or Shooe-maker is employed in their Trade, one or two Sealers shall be chosen, and appointed, as the occasions require, who shall be under Oath, faithfully according

cording to their best ability) to discharge their trust; and shal seale no leather, but such as they judg sufficiently tanned, and fit to be wrought out, and sold in shooes, and bootes. And that every such Plantation shal have two Seales, to distinguish betwixt good Leather wel and sufficiently tanned, and such, as though tanned enough, is in some other respect defective, either by overliming, or for want of being wel wrought upon the beame, or by frost, or hath received some damage in drying; so that though it may serve for inward or middle soals, yet not for other uses without damage to the buyer, all which Leather so defective, shall b: sealed with a different Seal, that it may be known to be faulty. But that which is not sufficiently tanned, shal neither be sealed, nor used in bootes, or shooes, til it be duly tanned. The chosing and appointing of which sealer or Sealers, the print or mark, which each Plantation shal set upon their seals for good, or faulty Leather, with the Rate to be allowed for sealing, being left to the several plantations, but no Tanner within this Jurisdiction shal upon any pretence sel, deliver, cause, or suffer to be delivered, or pass out of his hands, or custody, any hide, or hides, til being fully dry, they be first sealed by the Officer, or Officers thereunto appointed, under the penalty of forfeiting the said Leather, or the value of it to the plantation where the offence is committed.

And it is further Ordered, That if any Shooe-maker shal use, or put any unsealed Leather, either in bootes, or Shooes, or put any of the forementioned faulty Leather (though sealed as such) in any outward soals, or upper Leather, or in any other place, which may be hurtful to the buyer, or wearer; or shall use any other way of deceit in making up his Ware, he shall make due and ful recompence to the person, or persons wronged, and complaining; and shal suffer such further punishment as his offence considered with the circumstances shal require; And whosoever shal bring hides from any other place, and shal sel or use any of them for bootes or shooes within this Jurisdiction, before they be sealed by some Officer here, according to the import of this Order, or shal use them in bootes, or Shooes, contrary to the intent thereof; the Hides so sold or used, or the value of them shal be forfeited to the plantation
w here

where the offence is committed, or such Recompence, or Fine shal be made or paid, (if it grow only of ignorance) as the case may require; provided that if both buyer and seller be faulty, they shal pay the Forfeit betwixt them; but due tenderness and Respect is to be had of an innocent stranger who brings, sells, or uses good leather, though for want of meanes to know the law, it were unsealed.

Levies, see Marshall.

Lying.

Joh: 13. 4: Psal: 119. 69. Hosea 4. 1, 2. It is Ordered, That if any person above the age of fourteen years shal wittingly, and willingly make, and publish any *lye*, tending to the damage, or injury of any particular person, or with intent to deceive and abuse the people, with false newes, or Reports, or which may be any way pernicious to the publick weale; and the same complained of, and duly proved, either before any Court or Magistrate, or where there is no Magistrate, before the Constable, or other Officer, he calling one or two of the Freemen to him, (who are hereby inabled to hear and determine ordinary offences of this nature, according to the tenour of this Law) the Offender shal pay to the Plantation where he is prosecuted for his lying, as it is a sin against God, for the first offence ten shillings; and if after such conviction he offend the second time, he shal pay for that second Offence twenty shillings, which Fines, or penalties shal be severally levied as in other cases. But if any such person be not able, or utterly refuse to pay the said Fines, or either of them, he shall in such case be committed to the stocks; and for the first offence shal continue there betwixt one and two hours; for the second offence betwixt three and four hours. But if he offend the third time, he shal be publickly whipt for the same; each person being notwithstanding left to his liberty, to proceed further by action of *flaunder, defamation*, or otherwise, as the case may require. But the said Court, Magistrate, or other Officer, as before; finding weighty aggravations in the case, either in the Sin against God, or disturbance, and damage to the Publick, are to proceed accordingly; or if need require may bind the Offender over to the Court of Magistrates.

Magi-

Magistrates, or other Judges in relation.

To prevent occasions and jealousies of partial and undue proceeding in Courts of Justice: It is Ordered, that no Magistrate, or Deputy shal sit as a Judge, or among the Judges when any Cause of his own is tryed; and that in every case of civil nature between party, and party, where there shal fal out so near Relation between any Judg, and any of the parties, as betwixt Father, and Son, either by nature, or Marriage, Brother and Brother, Uncle and Nephew, Landlord and Tenant in matters of considerable value, wherein any of them being one of the Judges is concerned; such Judg though he may be present at the Tryal, and may propound and hold forth light in the case, yet he shal neither sit as Judg, nor shal have power to Vote or pass sentence therein; and in case the Court without such Magistrate or Deputy may not proceed, either two magistrates may be called in, or the matter referred to the Court of Magistrates if it be not otherwise to just satisfaction issued.

Manslaughter.

It is Ordered, That if any person in the just and necessary defence of his own life, or the life of another, shal kill any person attempting to Robb, or murther in the field, High-way, or other place, or to break into any dwelling house, if he cannot otherwise prevent the mischiefe, or with safety of his own person take the Fellow, or Assailant, and bring him to Tryal, he shal be holden blameless.

Marriage.

{For the preventing of much inconvenience which may grow by clandestine and unlawful marriages: It is Ordered, That no persons shal be either contracted, or joyned in *Marriage* Ruth 4. 9. before the intention of the parties proceeding therein, hath ^{10, 11.} been three times published, at some time of publick Lectur: or Town meeting in the Town, or Towns where the parties, or either of them dwel, or do ordinarily reside; or be set up in writing upon some post of their meeting house door, in publick view, there to stand so as it may be easily read by the space of fourteen daies; and that no man unless he be a Magistrate in this Jurisdiction, or expressly allowed by the General Court shall Marry any persons, and that in a publick place, if they be able

to go forth under the penalty of five pounds fine for every such miscarriage.

Numb: 30. 5
Exod: 22.
16, 17.

And the Court considering that much sin hath been committed against God, and much inconvenience hath growen to some members of this Jurisdiction by the irregular and disorderly carriage of young persons of both Sexes, upon purpose or pretence of Marriage; did, & do order, That whosoever with in this Jurisdiction shal attempt, or indeavour to inveagle, or draw the affections of any Maide, or Maide-servant, whether Daughter, Kinswoman, or in other Relation, for himself, or for any other person, without the consent of Father, Master, Guardian, Governor, or such other, who hath the present interest, or charge, or (in the absence of such) of the nearest Magistrate, whether it be by speech, writing, message, company-keeping, unnecessary familiarity, disorderly night meetings, sinful dalliance, gifts, or any other way, directly or indirectly, every such person (beside all damages which the Parent, Governor, or person intrusted, or interested, may sustain by such unlawful proceedings) shall pay to the Plantation forty shillings for the first offence; and for the second offence towards the same party four pounds; and for the third offence he shal be further fined, imprisoned, or corporally punished, as the Plantation Court, or Court of Magistrates considering all circumstances shal determine.

And whereas some persons men or women do live, or may come to settle within this Colony, whose Wives, or Husbands are in England or elsewhere, by means whereof they are exposed to great temptations, and some of them live under suspition of uncleanness, if they do not fal into lewd and sinful courses. It is therefore Ordered, That all such persons living within this Jurisdiction, shal by the first opportunity, repair to their said Relations, (unless such cause be shewen to the satisfaction of the Plantation Court, that further Respite and Liberty be given) under the penalty of paying twenty pounds fine, for contempt, or neglect herein. Provided that this Order do not extend to such as are, or shal come over to make way for their Families, or are in a transient way for traffick, Merchandise, or other just occasions for some small time.

That Justice may be the better executed, the Jurisdictions occasions carried on. And that the Marshal and other Officers may know how to demean themselves in their places; It is Ordered, That in case of Rates and Fines to be leavied, and in case of Debts, and executions in civil actions; The Officer shall first demand the summ due of the party, or at his house, or place of usual abode, but upon refusal or non-payment, he shal have power (calling in such assistance as the case may require) to break up the door of any house, chest, or place where he shal conceive, or have notice, that any goods liable to such leavy or execution shal be; And if he be to take the person, he may do the like, if upon demand he shal refuse to render himself; And whatever charges the Officer in any such case shal be put unto, he shal have power to leavy the same, as he doth the Debt, Assessment, or Fine; And in case the Officer be put to leavy any such goods, as cannot without considerable charge, be conveyed to the place where the Treasurer, or party dwelleth, who should receive the same, he shal levy the said charge also, with the rest; provided it shal not be lawful for any such Officer, to leavy any mans necessary bedding, Apparel, Tooles, Armes, or such implements of Householdstuff, as serve for his necessity, with out express direction from the Court, upon whose sentence, the execution or seizure was grounded, or at least, of some Magistrate of the Jurisdiction, but in such cases he shal leavy his land or person. And in no case shal the Officer be put to seek out any mans estate, further then his place of abode; but if the party wil not discover his goods, or Lands to a sufficient value, the Officer may take his person.

And to prevent the inconveniences which may grow by the flightness of some mens spirits, who are apt to neglect and violate wholesome Orders and Laws, made in the Jurisdiction, or Plantations, It is Ordered, That whosoever shal be Fined by any Court for any disorder, or breach of Law, every such person shal forthwith pay the Fine, or penalty, or put in security speedily to do it, or else shal be imprisoned, or kept to work, if the Court upon due consideration of persons, and circumstances judge it not meet to make other seizure.

Masters, and Servants, &c.

It is Ordered, &c. That no Servant Male, or Female, or other person under Government, shal without licencie from His, Her, or their Masters or Governors, either give, sel, or truck any commodity whatsoever, during the time of their service, or subjection, under the paine of such Fine, or corporal punishment, as the Court upon a due consideration of the offence, shal judg meet; And that whosoever shal receive from, or trade with any Child, Son, or Daughter, under Age, and under Government, or with any servant, or servants, in a suspitious disorderly manner, or shal harbor, or entertaine any such in the night, or at other unseasonable times, or shal suffer them disorderly to meet at any place within their power, or to play at Shovel-board, or other game, or games, to drink, spend mony, or provisions, or shal use or suffer any offensive, sinful carriage, conference, counsele, or songs, which in their nature tend to corrupt, all such persons shal be liable to such Fines, or other punishment, as the Court shal judge meet.

Mayning, wounding, &c

If any shal in distempered passion, or otherwise, sinfully hurt wound, or maine another; such person shal be punisht by Fine, with some valuable Recompence to the party; and shal pay for the cure, with losse of time, &c. And when the case requires it, The Court of Magistrates are duly to consider the mind of God, as it is revealed, *Exod: 21. 18, to the 28. Levit:24. 19,20.*

Military affairs.

For as much as the well managing of the Militia, is under God, in all places, of great import, and concernment, for publick peace, and safety: It is Ordered, That (beside a general stock of guns, powder, shot, match, &c. provided and kept in store by each plantation in this Jurisdiction, according to former agreements of the Commissioners for the united Colonies, and Orders of this Court, which they are hereby required to keep.

keep continually ful, and in a constant readiness for service, upon all occasions, and by their Deputies to make a true Certificate thereof yearly to the General Court) every Male within this Jurisdiction, from fifteen, to sixty years of Age, (not freed by publick allowance,) shal be, and from time to time continue wel furnished with arms, and all other suitable provision; namely a good serviceable gun, such as shal be ordered by the Court, and allowed by the Military Officers, to be kept in a constant fitness in all Respects for service, with a fit, and sufficient Rest, a good sword, bandaleers, or horne, a worme, a scourer, a priming wire, shot bagg, charger, and whatsoever else is necessary for such service, with a pound of good powder, four pounds of pistol bullets, or four and twenty bullets fitted for the gun, four Faddom o f serviceable match, for a match-lock gun, five or six good flints fitted for every firelock gunn, under the penalty of ten shillings for any defect; and the military Officers are hereby required to give or send in an account yearly in *May*, from each Plantation, to the general Court, or Court of Magistrates, how the Inhabitants are furnished, and provided.

*Judg: 5. 8.
1 Sam: 13. 19,
22.*

That in each Plantation within this Jurisdiction, according to the number of Soldiers, in their Trained band, and as they are furnished with able men for such a service, and trust, military Officers as need requireth shal from time to time be chosen, And all the Freemen in each Plantation, shal have their Vote, in the nomination, and choice of them; Provided that none but Freemen be chosen, And that every Captaine, and chiefe Officer chosen in any of the Plantations, for the military affaires, shal from time to time be propounded to the next General Court, after he is chosen for approbation, and confirmation. And if the said Court, have any just Exception, against any so propounded, The Freemen shall proceed to a new choice, That the Jurisdiction may be furnished with such Officers, as in whom they may satisfyingly confide.

That

That in each plantation, the Captain, or chief military Officer shal once in each quarter of a year at least, but oftner if there be cause, order, or take a strict view, how every Male, from sixteen to sixty years of Age, is furnished with arms, and provisions, according to the former directions, and where any are found faulty, the Clark or some other Officer shal duly present their names, with each defect to the next plantation Court, or to such Officer (where there is no Court) who hath a trust in civil affairs, that the Fines and penalties may from time to time be duly leavied. And if this view of arms, &c. shal at any time be neglected, or the defects not duly presented; the Captain or chief military Officer, or the other Officers ordered to take this view, or the Clark, or Officer appointed to present, &c. shal pay forty shillings each quarter, when this service, or any part of it, is omitted, as the fault upon examination shal joyntly or severally be justly charged.

Gen: 14. 14.

2 Chro: 12. 33

2 Chro. 17. 18

2 Sam: 1. 18.

There shal be in each Plantation within this Jurisdiction, every year at least six Training daies, or daies of publick military exercise to teach and instruct all the Males, above sixteen years of age, (who are not freed from that service) in the comly handling, and ready use of their arms, in all postures of war, to understand and attend all words of command; And further, to fit all such as are in some measure instructed for all military service, against there be occasion, under the penalty of forty shillings, to be leavied of the military Officers, as the Court upon examination shal find them more or lesse faulty, and with Respect to their places, the greater Trust paying the greater Fine for neglect; which dayes of Training shall be some of them in the Spring of the year, before harvest, and some in the latter end of the summer, before winter, as may best suit each Plantation, but at no time any two of these trainings shal be within fourteen dayes one of another. And it is further Ordered, That on every such Training day, the Captain, or chief Military Officer present, cause the Names of all the Soldiers to be read, at least in the forenoon, but in the afternoon also if he see cause. And whosoever in any Training day, shal be totally absent, shall pay five shillings for every such default, whosoever shal at any time of the day withdraw himself from the service, without leave from the chief Military Officer.

Officer present, he shal pay either as for total absence, or a greater or lesse Fine, as the offence considered in all circumstances may require; And whosoever shal come late, shal pay for each such default one shilling; and for any other disorderly offensive carriage, according to the nature and measure of it. This Court expecting from each Plantation, that they suffer not men to neglect, or grow slight in a service of such import.

That a fourth part of the Trainedband in every Plantation shal in their course, as the military Officers shal order, come constantly to the publick worships of God every *Lords day*; And (such as can come) on Lecture dayes, to be at the meeting-house, at latest, before the second Drum hath left beating, with their arms compleat, their guns ready charged, their match for their match-locks, and flints ready fitted to their fire-lock guns, with Shot and powder for at least five Shot, beside the charge in their guns, under the penalty of two Shillings Fine, for every person negligent, or defective in Furniture, and for late coming one Shilling. The sentinel also, and they that walk the Round shal have their matches lighted, during the time of their meeting, if they use their matchlocks, and shal diligently and faithfully attend their duty under such further penalty as the breach of such a trust may require.

That a strict watch be constantly kept in the night, in all the Plantations within this Jurisdiction, according to all such Orders, as shal from time to time be made, either by the General Court, or by *Plantation Courts*, or Officers intrusted for Civil affairs, where there is no Court; And that both for number of Watchmen, in each plantation, the time of setting or beginning the Watch every night, their rising, and leaving it in the morning, and all other carriage, and duties in managing this trust; they duly attend and observe all directions given. And it is left to the care and consideration of the Governor, Magistrates, Officers, or any of them, as the case may require, to double, or further to increase the watch by night, in times of danger, and to appoint some competent number of men to ward or walk by day, with their armes, in, or about the plantation, as may best tend to the publick safety; And if any watch man, or Warder do at any time neglect his duty, either in coming

*Nehem: 4. 16,
to the end.*

ing too late to the service, or departing too soon from it, not coming compleatly furnished with Arms, according to order, or any other way neglecting duty, or falsifying his trust, he shal pay such Fine, or receive such punishment as his neglect or unfaithfulness deserves, that both himselfe may be warned, and others may feare to be slight, or false in a matter of such concernment.

But upon consideration of publick service, and other due respects, It is ordered, That all Magistrates within this Jurisdiction, and teaching Elders, shal at all times hereafter, be freed, not onely in their persons, but each of them, shal have one son, or servant by vertue of his place or office, freed from all watching, warding, & training. And it is further ordered, That all ruling Elders, Deputies for Courts intrusted for Judicature, all the chief Military Officers, as Captains, Lieutenants, and Ensignes, the Jurisdiction Treasurer, Deacons and all Physitians, Schoolmasters & Surgeons allowed by authority in any of these Plantations, all Masters of ships and other vessels, above 15 tun, all publick Millers, constantly employed, with others for the present discharged for personal weakness & infirmity, shal in their own persons, in time of peace and safety, be freed from the said services; And that all other Seamen and ship Carpenters, and such as hold Farms, above two miles from any of the Plantations, train onely twice a yeare, at such times as shal be ordered, either by the authority, or by the Military Officers of the Plantation. But all persons freed and exempted from the respective services, as before, shall yet in all respects, provide, keep, and maintain in a constant readinesse, compleat Arms, and all other military provisions as other men, Magistrates and teaching Elders excepted, who yet shal be constantly furnished for all such sons and servants as are hereby freed from the forementioned services.

Ministers maintenance, see Ecclesiastical provisions.

Oppression.

To prevent, or suppress much sin against God, and much damage to men, which doth, and may grow by such as take liberty to oppress, and wrong others, by taking excessive wages for work, or unreasonable prises for commodities: It is Ordered, That if any shal offend in either of the said cases, upon complaint

Jer: 6. 6. Jer: 22. 15, 16, 17. Ezek: 22. 29. Hosea 12. 7.

plaint and proof, every such person shal be punished by Fine, or imprisonment, according to the quality and measure of the offence, as the Court shal judge meet.

Plantations.

Whereas the Freemen of every Town, or plantation, within this Jurisdiction, have in sundry particulars liberty to make Orders among themselves, as about Fencing their Land, ordering or keeping their Cattel, or Swine, &c. as may best suite with their own convenience; It is by this Court Ordered, That if any greater cattel, of what sort soever, or Swine, belonging to one plantation, be found either unmarked, or proved to have done Trespass, or both, within the limits of another plantation; The damage being duly Rated, the Owners of such Cattel, or Swine, shal from time to time, pay all Fines and damages, according to the just agreements, and Orders, made by the Plantation, where the Trespass is done; provided that the Orders be such, and no other, then what they make, and execute upon themselves, in like cases.

Pound, Pound breach.

For prevention, or due recompence of damages in Corne-fields, or other places done by cattel, or swine; It is Ordered, That there shal be one sufficient pound, or more, made, and maintained in every Plantation within this Jurisdiction, for the impounding of such Cattel, or Swine, as shal be found in any corne-field, other inclosure, or place prohibited, til it may appear, where the fault, and damage ought to be charged. And who so impounds any cattel, or swine, shal give present notice to the owner, if he be known, otherwise they shal be cryed at the two next Lectures, or most publick meetings, but if yet the owner be not found; Then fine, and damages to be recovered, as in the Order about cattel, &c. And if any of them escape out of the pound; The owners, if known, shal pay all just damages and charges.

But if any person, or persons shal resist, or Rescue any cattel or swine going, or driven toward the pound, or shal by any way, or meanes, get, or convey any such out of the pound, without due order from lawful authority, settled by this court, he or they, shal pay for such Rescue, or disorder, forty shillings, and in case of pound breach five pounds, beside just damages

to the party wronged. And if in the Rescue, any bodily harme be done to any person, he, or they, may have remedy from the Rescuer, or Rescuers; And if any such miscarriage be committed by any not able, or refusing to answer the forfeiture & damage, every such person shal sustain such bodily punishment, as the Court shal judge meet, and shal answer all damage to the party by Service, if estate cannot be found, as in the case of other just debts; and if it appear there were any procurer, or abettor of any the former offences, every such person shal be liable to forfeiture, damage, or punishment, as if himselfe had done it.

Prophanation of the Lords Day.

Whosoever shal prophane the Lords day, or any part of it, either by sinful servile work, or by unlawful sport, Recreation, or otherwise, whether wilfully, or in a careless neglect, shal be duly punished by fine, imprisonment, or corporally according to the nature, and measure of the sinn, and offence. But if the Court upon examination, by clear, and satisfying evidence find That the sin was proudly, presumptuously, & with a high hand committed against the known command and authority of the blessed God, such a person therein despising and reproaching the Lord, shal be put to death, That all others may feare and shun such provoking Rebellious courses; *Numb: 15.* from 30. to 36 Verse.

Prophane swearing, or cursing.

If any person within this Jurisdiction, shal swear rashly and vainly, either by the holy name of God, or any other Oath, or shal from distempered passion, or otherwise curse another, he shal forfeit to the Plantation where he so offends, for the first, offence 10 s. And if after such conviction, he offend the 2d. time, he shal pay for that 2d. offence 20 s. & it shal be in the power of any Magistrate alone, or where there is no Magistrate, of any constable, or Deputy of a particular court, calling into him one or two of the Freemen, to warne, or call such a person before him, and upon sufficient proof, to pass sentence, and leavy the said penalties, according to the usual order of Justice in this Jurisdiction. But if any such person be not able, or utterly refuse to pay the forementioned fines, or any of them, he shal in such case, be committed to the stocks, and for the first offence, shal

Against the 3d. Commandement,
P 1:109, 17, 18. Jer: 23. 10.
Hos: 4. 1, 2.

shal continue there, betwixt one and two hours; For the second offence, betwixt three and four hours. But if the said person, notwithstanding such former proceedings, shal offend the third time, by such swearing, or cursing, he shal be whipped, for his incorrigible prophaneness. But if swearing and cursing go both together, or be accompanied with other sinful aggravations, such miscarriages shal be punished with a higher Fine, or corporally with due severity, as the Court shal judge meet.

Rates, Fines &c.

Whereas much inconvenience may arise by the neglect of Officers in collecting, and seasonably paying in, all such Rates, Fines, and Debts, as from time to time, grow due to the Jurisdiction Treasury; It is Ordered, That in each plantation, where the Officer, or Collector, doth not at the time appointed for the payment of all such Rates, and fines, or at furthest within one moneth after (though his Office within, or after that month, be expired.) And that by distress, whereunto he is hereby inabled, when a milder course wil not serve, gather, and receive them, in some such pay, as this court hath appointed, and presently without delay, pay them in, as each plantation hath, or shal Order. That the Jurisdiction Treasurer may be duly furnished for the publick occasions. That then the particular Court, or Constable, in each such plantation, cause the said Rates, and Fines to be leavied by distress, out of the proper estate of such remiss collector, or officer, to prevent further inconvenience, and disturbance to the plantation. But if any such officer, or collector, be removed out of the Jurisdiction, or if any of the planters be dead, removed, or grown insolvent, or if by any other meanes, The ful payment of the Rates, and fines be hindred, The present Authority in any such plantation by a due assessment, are to leavy, and gather the same, of the present planters, and without delay, to pay it in to the Jurisdiction Treasurer; otherwise the cattel, or other goods, of any planter, or planters, are to be seized by the Marshal, or other officer, with, or without assistants, as in the Law for publick charges is express,

Records.

It is ordered, That all Parents, Masters, House-keepers, and others, who have either children, servants, sojourners, or lodgers in the house, or dwelling with them, shal bring in to the Secretary of the Plantation, where he lives, or to such other Officer in each plantation, as shal be thereunto appointed, the names of such persons belonging, or any way referring to them, or any of them, as shal either be born, or dye, with the respective time of each such birth, or death. And also that every new married man (if married within this Jurisdiction) shal bring in the certificate thereof, under the hand of the Magistrate or Officer that married him, with the time vhen, to be recorded first by the Officer of the Plantation, where he was married; but if married in another Jurisdiction, though at present or after he come to be an Inhabitant in this, then to record the marriage where he liveth; and to pay for every Record, whether birth, death, or marriage, three pence, whereof two pence for each such Record, shal be to the Officer in each Plantation, who shal both Record in the Plantation-book, & yearly deliver or send a transcript of every birth, death, or marriage, with a penny for each, to the Secretary for the general Court: And what person soever (to whom it doth belong) shal neglect to bring in a note, or certificate, as aforesaid, together with three pence for each Record to the said plantation-officer, more then one month, after each birth, death, or marriage, he shal pay for each six pence to the said Officer; if he neglect two months, he shall pay twelve pence; if three moneths, five shillings, which Forfeits shal go, two third parts to the Plantation-officer, the rest to the Jurisdiction-officer. And if the Plantation-officer shal either neglect to Record, or to deliver over the transcripts, as before; or if the Secretary for the general Court, shal neglect to record them, each Officer for every such neglect shal pay to the Jurisdiction-Treasurer ten shillings.

It is further ordered and declared, That every man shal have liberty to record in the publick Register of any Court, any testimony given upon Oath, in the same Court, or before two Magistrates, or any Deed, or Evidence, legally confirmed, there to remain *in perpetuam rei memoriam*; and that every inhabitant in this Jurisdiction, shal have free liberty to search, and view

view any such publick Records, or Registers, & to have a copie thereof, written, examined, & signed by the Secretary, or officer of the said Court, paying the due charge or fees therfore. Also every trial betwixt party and party, & proceedings against Delinquents in criminal causes, shal be briefly and distinctly recorded, the better to prevent after mistakes, and other inconveniences.

Replevin.

It is Ordered, and declared, That every man shal have liberty to Replevy his cattel, or goods, impounded, distreined, or seized, unless it be upon execution after Judgment, or for payment of Rates or Fines; provided he put in good security to prosecute the *Replevin*, and to satisfie such damage and charge, as his adversary shal recover against him in Law.

Sabbath, see prophanation of the Lords day.

Seamen, &c.

It is Ordered, That if any Seaman, Marriner, Master of ship, or Vessel, or other person, shal receive into any ship, pinnace, Bote, Cannoe, or other Vessel by what name soever called, and shal carry away, or suffer to take, or have passage, out of any harbor, or plantation, within this Jurisdiction, any child, servant, or other person, whether Male, or Female, whom he knoweth to stand in relation, or under the charge and government of another, and so not at his, or her own present dispose, or any Debtor, Delinquent, or Offender, whom he knoweth; or hath heard to be under, or liable to any ingagement, censure, or punishment, to, or from any particular person, or the authority of this Jurisdiction, or any plantation therein without express, and written license, from some Magistrate, dwelling in that plantation, or from the Constable, or Deputies intrusted for civil affairs, where there is no Magistrate, or at least from the master, or governor of the Family, who hath the trust or power, where there is no other ingagement or guilt. He shal be liable (if known and apprehended in any part of this Jurisdiction) to satisfie, and pay all such debts and ingagements as any such person oweth, or ought to satisfie, and to pay such damage or fine to the person or persons wronged, or to the Plantation, or Jurisdiction, as the Court considering the case, with the circumstances, shal judge meet.

Sentences of Judgement.

It is Ordered, That all sentences of Judgement, upon criminal causes, shal be executed upon the Offenders, in the presence of the Magistrates, or one of them at least; *Deut: 25. 2.* of some other officer in the absence of the Magistrate.

Servants see Masters.

Shoomakers see Leather.

Single persons.

To prevent, or suppress inconvenience, and disorder in the course and carriage of sundry single persons, who live not in service, nor in any Family Relation, answering the mind of God in the fist Commandement. It is Ordered, That no single person of either Sex, do henceforward board, diet, or Sojourn or be permitted so to do, or to have lodging; or house room within any of the Plantations of this Jurisdiction, but either in some allowed Relation, or in some approved Family licensed thereunto, by the court, or by a Magistrate, or some Officer, or Officers in that Plantation, appointed thereunto, where there is no Magistrate; The Governor of which Family, so licensed, shal as he may conveniently, duly observe the course, carriage, and behaviour, of every such single person, whether he, or she walk diligently in a constant lawful imployment, attending both Family duties, and the publick worship of God, and keeping good order day and night, or otherwise. And shal then complaine of any such disorder, That every such single person may be questioned, and punished, if the case require it. And if any single person shal dyet, or lodge, or if any house-keeper shal admit, or entertaine any such, contrary to the true meaning of this Order; or if any Licensed to receive such, shal neglect to complain of any disorder observed, all, and every such persons, shal pay such fine, as the court, or authority appointed for the place, shal judge meet.

Sojourners, see strangers.

Strayes.

It is Ordered, That whosoever shal take up, or detain any stray beast, or swine, or find any lost goods; he shal within six daies, give notice thereof to the Marshal, cryer, or other officer appointed for such service, by the plantation to which he belongs, who shal enter, or cause the same to be entred in a Book; And take Order, That it be duly cryed, on their 3 next Lecture dayes,

dayes, or upon 3. several dayes of the Towns most general mee-
ting, which the time wil afford; And if the value exceed twen-
ty shillings, he shal cause the like publication to be made, at
the publick meetings, of the two next Towns, That the owner
may the better hear of, & recover what belongeth to him. And
further, in the case of a stray beast, he shal within one moneth
after such finding, put, and indeavour from time to time, to
keep a with, or wreath about the neck of it; And within three
months at furthest, (if the Owner in that time appear not) he
shal acquaint the next Magistrate with the stray taken up, or
goods found, and his due proceedings about them, that the
same may be apprised by such indifferent men as the said Ma-
gistrate shal nominate, & appoint. And shal within six dayes af-
ter that, cause the apprisement to be duly Recorded, by the Se-
cretary of the Plantation-Court, or Constable, or other Officer
there intrusted for publick affairs, with the colour, age, natural
or artificial markes, or such other description, as best suits the
stray, or goods, so taken up, or found. And if the owner, of any
such stray appeare within one yeare after such publication, he
shal have Restitution in kind, if with safety, and conveniency
it might be so long kept, paying all just damages, and charges,
to the finder, and Officers, nay if he appear within three years,
after the stray was first taken up (paying as before) he shal have
the ful value (according to the fore-mentioned apprisement)
restored. But if the owner shal be, and continue so negligent
that neither in the first, second, nor third year, he improve the
means prescribed, to assert, and clear his title; The said stray, or
lost goods, (to prevent contention, and inconvenience which
may after grow) shal be in reference to the first Owner by sen-
tence of the Plantation-Court lost, and forfeited; And the ful
value, all damages, and charges to finder, Officers, or others,
being first deducted (wherein if there be any question, The
Court, or some indifferently chosen if there be no court in that
Plantation, shal consider and determine) shal be equally divi-
ded, one half to the Plantation, and the other half to the finder.
But if the said finder shal omit, or neglect his duty, or any part
of it, according to the former directions, He shal pay such
damage to the owner, and such fine to the plantation, as the
Court upon consideration of the miscarriage shal judge meet;

if he proceed further, to sel, kil, or any way for his own advantage dispose, or alienate the property of any such stray, without attending the said directions, he shal upon proofe, pay double the value, either to the owner, if he may be found, or to the Plantation to which the finder belongs; Provided also that if the owner or other person, shal injuriously, without order from Authority, or consent of the finder, take off such with or wreath, or take away such stray (after such with or wreath, to his knowledg hath been put on) before he have cleared his interest, and given satisfaction for damages, or charges expended, he shal forfeit the ful value of the Stray, apprised as before, to the use of the finder.

Strangers, see Courts.

Strangers complaining.

If any stranger, or person of another Nation, complain of injury received from any within this Jurisdiction: It is Ordered, that due search and inquiry be made concerning the same, that Justice may have a free passage; And that the stranger (if wronged) may receive due satisfaction, either out of the estate of the Offender, or by his corporal punishment, as the case may require, and according to Matt: 7. 12.

Strangers, Sojourners, and Servants.

To prevent sundry inconveniences which may grow to this Jurisdiction, & the Plantations thereof, by the inconsiderate, & disorderly receiving & entertaining of strangers, or others, to be Planters, or Sojourners in any part of this Colony; It is Ordered That henceforward, no person receive, or entertain any man, or Woman, of what age or quality soever, coming or resorting either from forraign parts, or from other Jurisdictions, or Plantations, into any Plantation, or Farme house, or habitation within the bounds, or limits of any Plantation within this Jurisdiction, to settle as a planter, or sojorner, nor sel, give, nor any way alienate, or pass over, lease, or let any house, or hous-lot, or any part or parcel of any of them, or any Land, of what kind or quality soever, nor shal permit any such to stay, or abide above one moneth, without a License from, and under the hand of some Magistrate dwelling in that plantation, or without the consent, and express Order of the major part of the Freemen of such Plantation where there is no Magistrate, or without

Exod: 22. 21,
23. 9.

without the consent, and order of the greater part of the Inhabitants, where there is neither Church nor Freemen, under the penalty of ten pounds to be paid as a Fine to the Plantation, where this Order is violated. Yet if any such violation or offence be made, or committed, only by error, or mistake, and with small or no inconvenience to the Plantation, or Jurisdiction; The fine, or penalty, may be moderated, as the Plantation-Court, or Court of Magistrates, shall see cause. Provided that this Order is neither intended, nor reacheth to Travellers, nor such as resort hither in a way of Merchandise, or trade, nor to the entertainment of Friends, who in a way of love come only to visit, and walk inoffensively, nor to servants received, and entertained upon Family Respects. In all which cases, as every particular person considers his own conveniency in receiving & entertaining; so the Court of Magistrates, or Plantation Court will consider how far they may justly free the Jurisdiction, or plantation, from inconvenience and charge. But it is by this Court Ordered, That if any servant fall sick, or any way dis-eased, or distempered, during the time of Service by Covenant or Agreement; The Governor of such servant, while that term lasteth, shall provide what is necessary, without putting any bur-den, or charge upon the Plantation, or Jurisdiction: And if such hurt came, or were brought upon such servant by the cruelty, or miscarriage of the Family governor; such Governor shall allow recompence or maintenance, after the time of Relation is expired, as the Plantation Court shall judge meet. But if the hurt came by any providence of God, without the default of the family governor; The Plantation shall dispose, or provide for such servant, after his, or her time of service is expired, as the case may require.

And to prevent difference or questions which may arise, and grow within this Jurisdiction: It is agreed, and Ordered, That if any person Male, or Femal, elder, or younger, whether with, or without license, shall hereafter Sojourn, or have constant dwelling, or abode, within the limits of any Plantation in this Jurisdiction, for and during the term, or time of one whole year, every such person shall to all purposes (in reference to any plantation within this Jurisdiction, but no further) be accounted an Inhabitant there, and shall not be sent back, or returned (unless to some particular person standing, and conti-

ning in relation to receive, and provide as the case may require) nor shal th: Jurisdiction, or any other Plantation in it be liable to any charge, or burden, in reference to any such person, though he, or she, hath dwelt elsewhere in the Jurisdiction before.

Stripes.

Prov: 19. 29. *Stripes*, or whipping, is a correction fit, and proper in some cases, where the offence is accompanied with childish, or brutish folly, with rude filthiness, or with stubborn insolency, with beastly cruelty, or with idle vagrancy, or for faults of like nature. But when stripes are due: It is Ordered, That not above forty stripes shall be inflicted at one time; **Deut: 25.3.**

Suits Vexatious, see *damages pretended*.

Swearing, see *prophane swearing*.

Swine, see *Cattel*, and see *Plantations*.

Thefts, see *Burglary*.

Trespass.

It is Ordered, and Declared, That in any Trespass, or damage done to any man or men, if it appeare, or can be proved to be done, by the meer default of him, or them, upon whom the losse, or damage falleth; it shal be judeed no Trespass, nor any Recompence allowed for it.

Watch, see *Military affairs*.

Weights and Measures.

Whereas a considerable part of Righteousnesse, between Buyer, and Seller, doth consist, in known, certain, and just Weights, and Measures, It is ordered, That in every Plantation, within this Jurisdiction, there be several Standards, procured, and sealed, that they may be uniform, and certain; viz. for weights, a set of Brassweights, to 4 pounds, with the less weights included, according to the *Averdepois* pound, consisting of sixteen ounces, with a good Beam, and Scales, fit to try them. And so for Corn measures, the Bushel, halfe Bushel, Peck, and halfe Peck, to be fitted to *Winchester* measure in *England*, and alike in all plantations. And measures for liquid things, as the Ale quart, Wine quart, Wine pint, &c: And that there be one Ell, and one Yard. That all, and each may be according to the use in *London*, as is generally practised in these united Colonies. And that in goods sold by the Ell, or Yard, a Thuns breadth be allowed to the length of each Ell, and Yard. In goods sold by the hundred weight, That fivescore and twelve be allowed

And.

And in all sorts of Nails sold by the hundred, six score be allowed to the hundred, according to the course in *England*.

And that in each Plantation within this Jurisdiction, some fit man, or men, be chosen and appointed, under oath to view, and try all the forementioned Weights and Measures used in buying and selling, at least once a year; but oftner if there be cause, and to fit them to the forementioned Standards, and then to mark them, with some such known, and approved mark, and to have such allowance for the same, as each Plantation shal order, which Viewers, or Officers, so sworn, shal in each Plantation yearly, (beside extraordinary Viewers) appoint a convenient time, and place, to prove, and try, all such Weights, and Measures, & shal give publick, or due notice of it, And such weights or measures, as cannot be brought or conformed to the Standard, shal be ordered, or destroyed, that they be no more used in buying or selling.

Lastly, if any Viewer, or Officer, so chosen, and sworn, do neglect his Duty and Trust, in any part of the Premises, he shal pay as a Fine to the Plantation, fourty shillings. If any person within this Jurisdiction, after such notice given, shal neglect to bring in his Weights, and Measures, at the time, and to the place appointed, he shal pay three shillings four pence, for every such default, one halfe to the viewer, or Officer, and the other halfe to the Plantation. But if any person within this Jurisdiction, shal at any time buy, or sell, by any false or unallowable Weight, or Measure, to the damage of his neighbour, he shal pay (besides Restitution) such Fine to the Plantation, as the Court considering the nature, and measure of the offence, shal judge meet. *Wills, Inventories, and the Estates of such as dye intestate.*

It is ordered, That vwhen any man dyeth possessed of an Estate within this Jurisdiction, whether it be greater, or lesse, The Secretary of each Plantation, or some Officer thereunto appointed, shal enquire and call for the last Will and Testament of every such person, together with a true Inventory of all the goods and estate of the deceased, within this Jurisdiction, which vwith the first convenience shal be justly prized, and the estate disposed, or preserved, as the case shal require. But the Will (if any be made and found) and the Inventory, shal be duly and respectively proved by oath, the Will by Witnesses, the

Inventory for the quantity of the goods, by Executors, Administrators, or such as have had the Estate in custody. And for the valuation by the Appraisers, who shal be approved and appointed thereunto, by the Plantation Court, or by some Magistrate, or Authority [there settled], and shal be recorded by the Secretary or some other Officer in all the particulars, and so kept among the Plantation Records, and after presented to the next Court of Magistrates, or at the furthest to the next Court but one, after the party deceased, under such penalty as the Court shal judge meet, and delivered to the Secretary for the Jurisdiction, who shal keep all original Wils and Inventories upon the File, and enter onely a brief abstract of them, among the Jurisdiction Records; namely, the date of the Wil, the names of the Witnesses, when proved, when the Inventory vvas taken, the persons by vvhom the estate was prised, vwith the summe it amounts to, and writing upon the Wil and Inventory, in what folio the premises are entred in the book of Record. And that six shillings be paid for every such Wil and Inventory. But in Plantations where there is no Court, the Jurisdiction Secretary shal at each generall Court, call to the Deputies for such Wils, & Inventories, which are to be brought in, and entred at large, in a book of Records kept by the Court of Magistrates for that purpose, and the Originals kept on the file, as before expressed. And in such cases the Jurisdiction Secretary to receive the Fees due both to himselfe and the Plantation Secretary. And when either the Wils, or Inventories, or both, are large, and require much writing, the Court of Magistrates, or Plantation Court, may enlarge the Secretaries Fees. But if through the unskilfulness, or inadvertency of any person, any Wil, or Wils, made or left, want due Form, or cannot be legally proved, in such case, the Court following as neer as they rationally may, the scope, and aim of the Testator, the Executor, or Administrator, before any of them intermeddle, or have any power of such an Estate, shal (if the Court see cause) put in sufficient security, which shall stand in force three years from the date, to deliver back the value of the whole Estate, or such part of it, as the Court shal finde just cause, otherwise to dispose of.

But if no Wil be found, then the Court of Magistrates, or Plantation Court, shal consider, who hath the next right of

Administration and when any such doth administer, he, she, or they, shal give such Bond, or Security, as the Court considering the value of the Estate with such qnestions as are like to arise, shal judge meet, to bring in a true Inventory, within a convenient time limited, and to dispose of the whole estate, as the Court according to the Laws here settled, shall see cause to order. And concerning such as dye here intestate, It is Ordered, That the true estate, all just debts being paid, & all necessary expences discharged; such as about the Funeral of the deceased, prising the goods, bringing in the Inventory, immediate & reasonable charges of Housekeeping, til things (without unnecessary delay) may be setled, shal be divided and allotted as followeth; Namely, one 3d. part at least, to the Widow of the deceased, if he leave a Widow. And if there be children left, not or not duly provided for, two third parts at most to them, with due respect to the eldest Son, who is to have a double childs portion, of the whole Estate, Real, and Personal, unlesse the general Court, upon just cause, and grounds, shal judge otherwise, either for dividing the Estate, or for the portion of the first born. But in case the Intestate leave his wife (who hath well deserved of him while he lived) and but one Child, one third part of the Estate, shal as before, go to the Widow, and one third part to the Child; but the other third part shal be divided by the Plantation Court, as they see cause, betwixt the Widow and the Child, reserving liberty for an Appeal, either to the Court of Magistrates, or to the general Court, as in other cases.

Deut: 21: 17.

Wine. See Impost.

Witnesses.

That Justice may have the more free passage; It is ordered, That any one Magistrate, or other Officer authorised by the general Court, may upon oath, take the testimony of any person of fourteen yeares of age, or above, being of sound understanding, and of good Reputation, in any case, civil, or criminal, out of Court; and testifie the same, if it be desired, by his subscription, for evidence in another Jurisdiction. But if it be for this jurisdiction, the Magistrate, or Officer is to keep the same in his own hands, or custody, til the Court; or deliver it to the Secretary, or other Officer to be recorded, that nothing be altered in it. And yet where any such Witnesse lives in the Plantation where the Court is held, or at furthest within six-

teen

teen mil.s of it, and is not disabled b/ sicknesse, or other infir-
mity; the said Testimony so taken out of Court (especially in
capital causes) shal not be received, or made use of in Court,
except it were either at first, taken in the presence of the party
testified against, or that the witnesse be after present in Court,
to be (if there be cause) further examined about it. And it is
further ordered, That any person (by warrant from a Magi-
strate, or other Officer thereunto authorised) summoned to
appeare as a witnesse, in any civil case betwixt party and par-
ty, shal not be compellable to travel to any Court in another
Plantation, where he i s to give his testimony, except he who
procured the summons, shal first lay down, or give him satis-
faction for his travel, and expences outward and homeward,
after the rate of two shillings a day, in proportion to the length
of the way, and for such time, as he shal necessarily spend in
attendance about such case, at the Court or place, dne recom-
pence shal be awarded by the Court. And it any witnesse so
summoned, and after such payment, or satisfaction, shal fail to
appeare, to give his testimony, he shal (upon an action of the
case) be liable to pay the parties dammages. And the like ap-
pearance (under such penalties as the nature and weight of the
case may require) shal all witnessses (being so summoned) be
bound to make, to give evidence in criminal causes, who shal
also have due satisfaction from the Treasurer, upon notice, and
direction from the Secretary of the Court, vwhere the cause was
tried. And it is further ordered, That in all such causes, the
charges of the witnessses shal be born by the Delinquent, and
shal be added to the Fine, or censure imposed. That what the
Treasurer upon such warrant from the Court, shal disburse to
the witnessses, may be duly repaid by the offender, that neither
the Jurisdiction nor Plantation be unnecessarily burdened.

Wolves.

Upon experience of great hurt already done by Wolves in
these parts, and upon consideration how mischievous the
increase of them may prove: It is (for the incouragement of all
such as wil set themselves to kil, and destroy them) Ordered;
That whoeover shal kil an old Wolf within this Jurisdiction,
and bring his head, shal have for the same 20s. and for each
young Wolf so kild, and brought 10s. And that the Indians
have for each old Wolves head so kild five **hillings**; and for
each

each young one 2 s. & 6 d. which several summs are to be paid by the Plantation, within the Limits wherof, any such Wolfe is kild; The bounds whereof, are the Lines betwixt each plantation; and to this purpose, so to be accounted 12 miles up into the Country.

Some presidents, and formes of things frequently used.

TO (A. B.) Husbandman of (B) you are to appeare at the next Court, holden at (N) on the day of the month next ensuing, to answer the complaint of (C: D.) for with holding a debt of due upon a Bond or Bill &c. or for a horse &c. sould you by him, or for work, or for a Trespass done him, in his Corne, or Hay, by your Cattel, or for a defamacion, or Slander, you have raised, or brought upon his name, or for striking him, or the like. And hereof you may not fail at your peril. Dated the day of the month 1655.

To the Marshal or Constable of (N.) or to his Deputy; you are required to attach (when the case requires it) the body, and goods, of (E: F.) and to take Bond of him, to the value of with An Attach- sufficient surety, or sureties, for his appearance, at the next Court holden at (N) on the day of the month, then and there to answer the complaint of (G: H.) for &c. as before. And so make a true Returne thereof under your hand. Dated the day &c

Know all by these Presents, That we (E: F.) of (M) Husbandman; And (I: K.) of the same Plantation Carpenter, do bind our selves, our Heires, and Executors to (L: M.) Marshal, or (N: O.) Constable of (N) aforesaid, in pounds, upon condition, That the said (E: F.) shal personally appeare at the next Court at (N) to answer (G: H.) in an Action of And to abide the Order of the Court therein; And not to depart without license.

To the Marshal or Constable of you are required to Replevi two Heifers of (P: R.) now distreyned, or impounded by (S: T:) And to deliver them to the said (P: R.) Provided he give Bond to the value of with sufficient surety, or sureties, to prosecute his Replevin, at the next Court holden at (S.) And so from Court to Court, til the cause be ended; And to pay such costs, and damages as the said (S: T) shal by law recover against him; And so make a true Return thereof, under your hand. Dated &c.

You (S: T) being by the providence of God, an Inhabitant within Newhaven Jurisdiction, do freely, and sincerely acknowledge your self to be subject to the Government thereof; And do here sware by the

Oath of Fidelity,

the great and dreadful name of the everlasting God, That you wil be true, and faithful to the same; And wil yeild due assistance thereunto, with your person, and Estate, as in equity you are bound; and wil truly indeavour to entertain and preserve all the liberties and privileges thereof, submitting your self to all the just and wholesome Laws, and Orders, which already are, or hereafter shal be by lawful authority there made, and established. And further that you will neither plot, nor practise any evil against it, nor consent to any that shal so do. But wil fully, and timely discover the same to lawful authority there settled, for the speedy preventing thereof. And that you wil as in duty you are bound, maintaine the honour of the same, and of all the lawful Magistrates thereof, promoting the publick good whilst you shal continue an Inhabitant there; And whensoever you shall be duly called as a free Burgeſſ, according to the fundamental Order, and agreement for Government in this Jurisdiction, to give your Vote, or Suffrage touching any matter which concerneth this Colony; you shall give it as in your Conscience you shall judge may conduce to the best good of the same, without respect of person, or favour to, or from any man. So help you God in our Lord Jesus Christ.

Whereas you (A: B.) are chosen to the place of Governor, within this Jurisdiction for the insuing year; And til a new Governor be chosen, and sworn, you do here swear by the great & dreadful name of the ever living God, to maintaine (according to your best ability) all the lawful privileges of this Common-wealth; according to the fundamental Order and agreement made for Government thereof, And that you wil carry and demean your self for the said time of your Goverment, According to the Laws of God, and for advancement of his Gospel, The Laws of this Colony, And the good of the Inhabitants thereof, you shal do Justice to all without partiality, as much as in you lyeth. So help you God, &c.

Whereas you (C: D.) are chosen to the place of Deputy Governor &c. or you (E: F.) are chosen to the place of a Magistrate &c. as in the Governors Oath, mutatis mutandis.

Deputy Governor, and Magistrates.

Other Officers and Witnesses.

Several other Oaths are to be administred to other Officers, as Secretary, and Treasurer for the Jurisdiction, Deputies for particular Courts, Marshal, Constable, Witnesses, &c. But the substance of their Oaths is to ingage them to a faithful discharge of the duty of their places, and trust, according to the best of their ability, to preserve the peace of the Jurisdiction, And to give ful and true evidence, in the cases, wherein they give testimony.

